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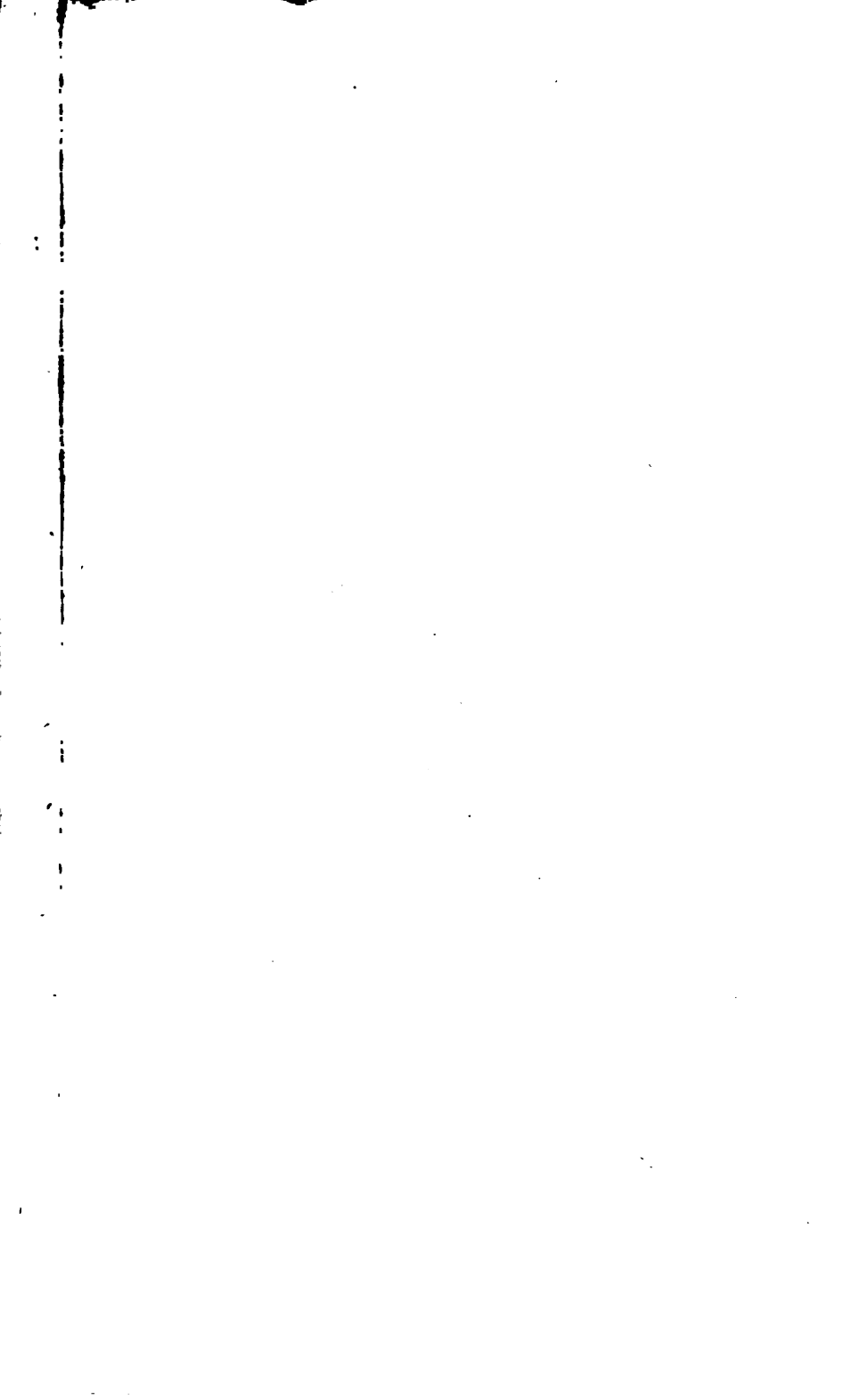
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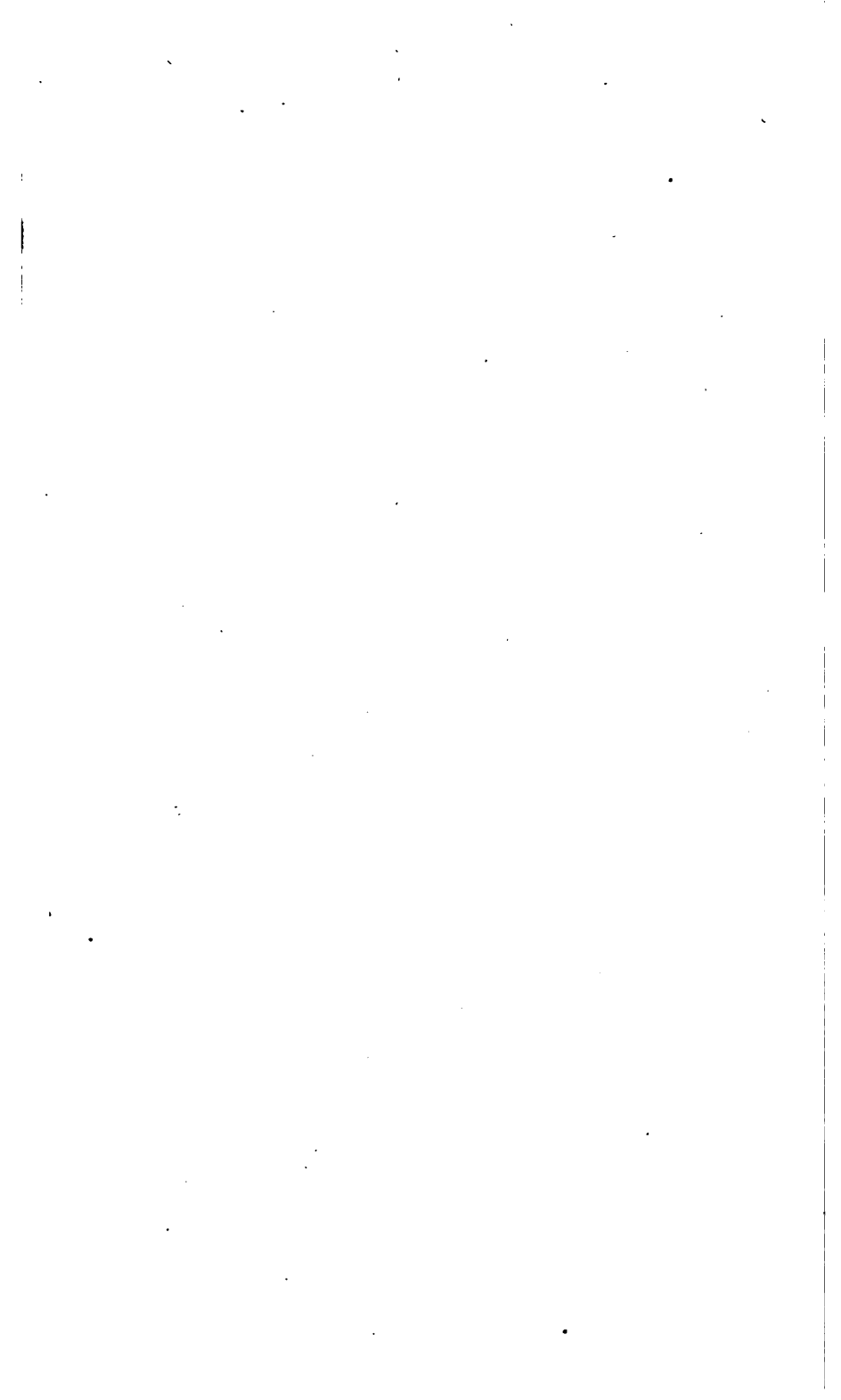
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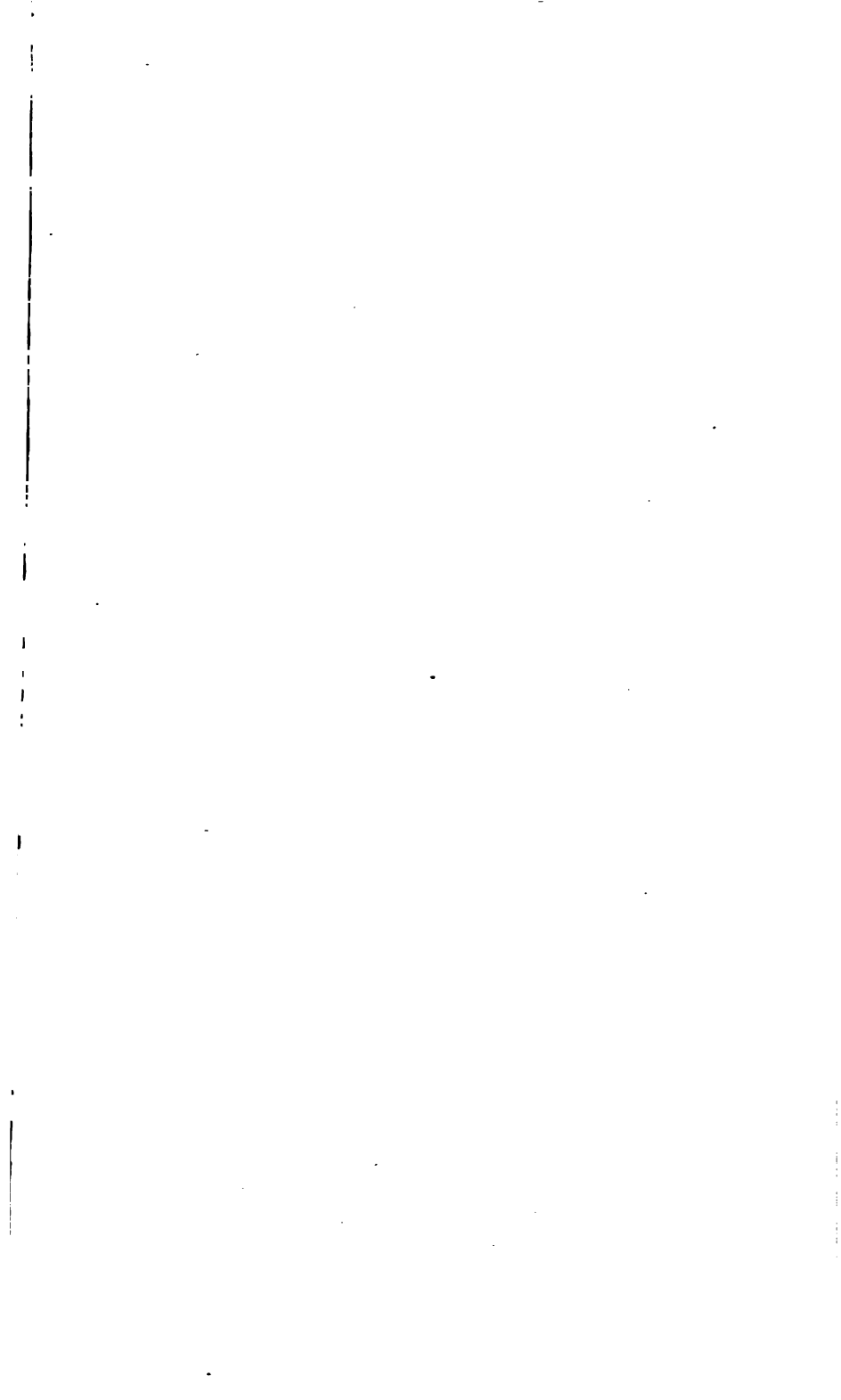
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Per. 3977 e .190







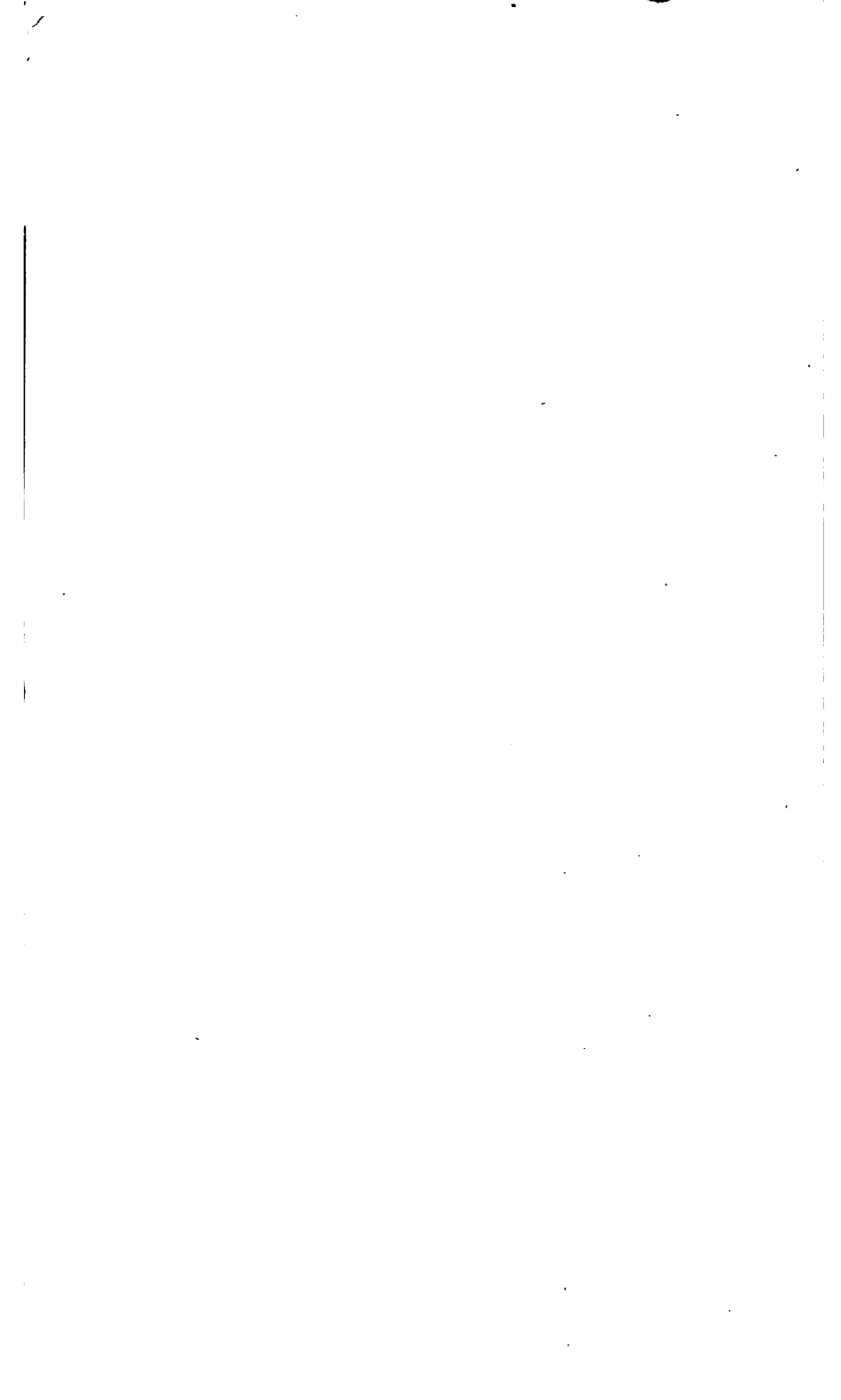


upon this undertaking, 115; states that he has borrowed largely from other writers, 116; his work divided into three books, 117; mistakes by, respecting the Greek philosophers, 118, 119; marks of haste and imperfect research, 120; gives an admirable epitome of the science of astronomy, 123; interesting account of the discoveries of Copernicus, Kepler, Galileo and Newton, 124, 125; has not studied with sufficient care the persecution of Galileo, 127, 128; history of optics injudiciously curtailed, 129, 130; strangely ignorant of the history of Ptolemy, 132; incorrect statements respecting Inellius and Descartes, 134; signal failures from not consulting the writings of Scotch philosophers, 135; imperfect account of the discovery of Achromatism, 137; has omitted most important researches, 138; injustice to M. M. Arago and Best, 139, 140; to M. Fresnel, 143; to Scotch philosophers, 147—149; want of sympathy in the conditions and fortunes of philosophers, 150; character of the work, *ib.*

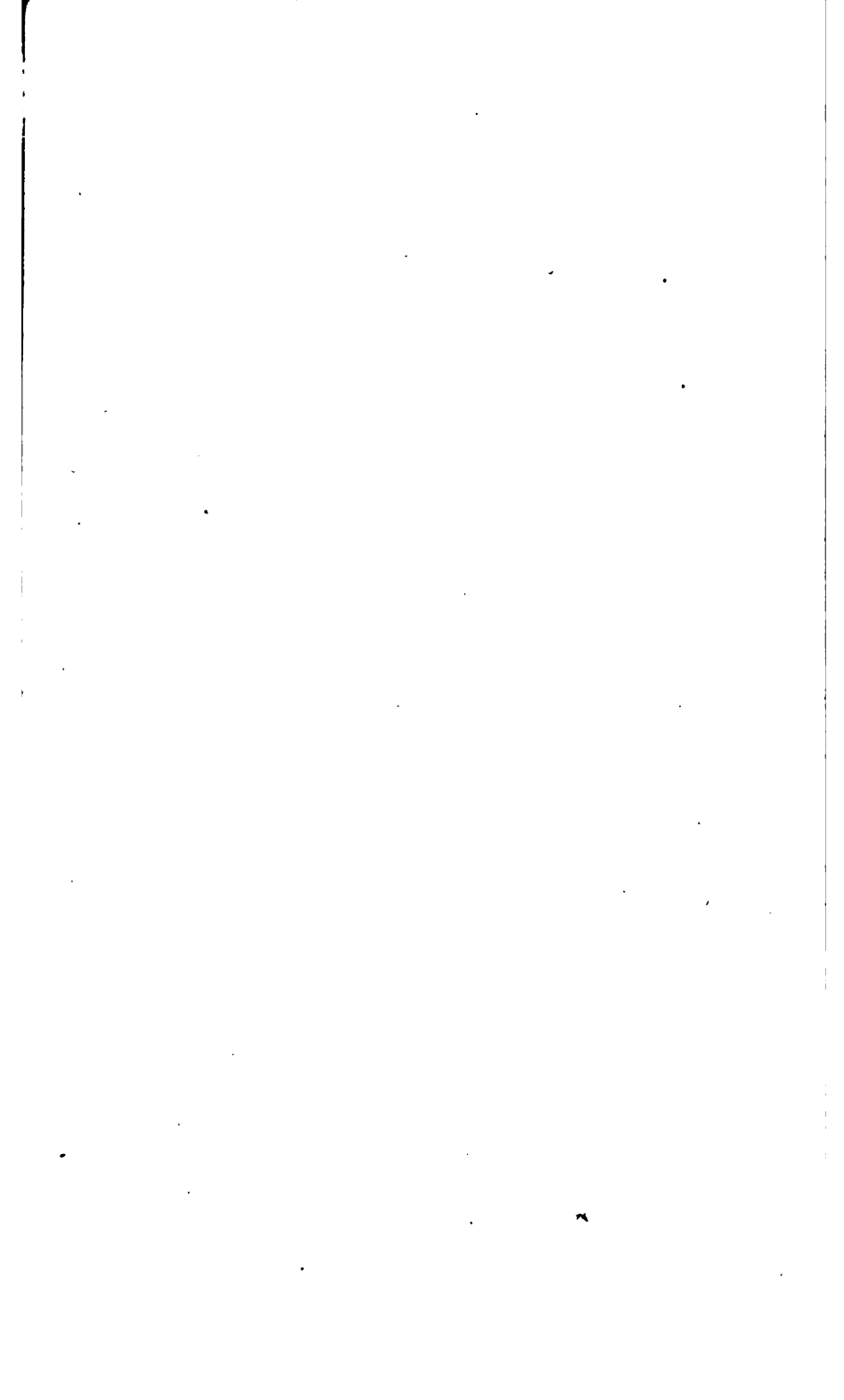
Workhouse System, the, 187; a cure for pauperism, 190.

Per. 3977 e .190









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CONTENTS OF No. CXXXIII.

	Page
ART. I. The Letters of Charles Lamb, with a Sketch of his Life. By Thomas Noon Talfourd, one of his Executors, . . .	1
II. Documents and Records, illustrating the History of Scotland, and the Transactions between the Crowns of Scotland and England. Preserved in the Treasury of Her Majesty's Exchequer. Collected and edited by Sir Francis Palgrave, ...	36
III. Henrietta Temple, a Love Story. By the Author of 'Vivian Grey,' Venetia. By the Author of 'Vivian Grey,' and 'Henrietta Temple,'	59
IV. 1. An Outline of the Science of Political Economy. By Nassau W. Senior, Esq. (Reprinted for private circulation from the Encyclopedia Metropolitana.) 2. Principes Fondamentaux de l'Economie Politique, tirés de leçons, édites et inédites, de M. N. W. Senior. Par le Comte Jean Arrivabene, ...	73
V. The Tribute : a Collection of Miscellaneous unpublished Poems by various Authors. Edited by Lord Northampton, ...	103
VI. History of the Inductive Sciences, from the Earliest to the Present times. By the Rev. William Whewell, M.A., Fellow and Tutor of Trinity College, Cambridge, . . .	110
VII. The Despatches, Minutes, and Correspondence of the Marquess Wellesley, K.G., during his Administration in India. Edited by Montgomery Martin, ...	151

	Page
ART. VIII. The Life of Thomas Jefferson, third President of the United States ; with parts of his Correspondence never before published, and Notices of his Opinions on questions of Civil Government, National Policy, and Constitutional Law. By George Tucker, Professor of Moral Philosophy in the University of Virginia,	156
IX. 1. De la Charité Legale, et Specialement des Maisons de Travail. Par F. M. Naville.	
2. First Report from his Majesty's Commissioners for Enquiring into the Condition of the Poorer Classes in Ireland. (Ordered by the House of Commons to be printed, 8th July, 1835),	186
X. An Argument for more of the Division of Labour in Civil Life in this Country. Part First, in which the Argument is applied to Parliament. By William Wickens,	208
XI. 1. Fifteenth Report of the Inspectors General on the General State of the Prisons of Ireland in 1836. (Ordered by the House of Commons to be printed.)	
2. Tables of the Number of Criminal Offenders, during the year 1836, in England and Wales.	
3. A Return of Outrages reported to the Constabulary Office, Dublin, as having occurred during the five months commencing with September, 1836. (Ordered by the House of Commons to be printed.)	
4. Ireland under Lord Mulgrave,	220
List of New Publications,	254

CONTENTS OF No. CXXXIV.

	Page
ART. I. Attila, King of the Huns. By the Hon. and Rev. William Herbert, ...	261
II. 1. A few Historical Remarks upon the supposed Antiquity of Church Rates, and on the Threefold Division of Tithes. By a Lay Member of the Church of England.	
2. The Antiquity of the Church Rate System considered, in Reply to a Pamphlet entitled 'A few Historical Remarks,' &c. By the Rev. William Hale Hale.	
3. Letter to Lord Stanley on the Law of Church Rates. By Sir John Campbell.	
4. Observations on the Attorney-General's Letter to Lord Stanley. By John Nicholl, LL.D.	
5. The Origin of Church Rates. By the Hon. and Rev. A. P. Perceval, ...	295
III. Narrative of an Expedition into the Interior of Africa, by the River Niger, in the Steam-Vessels Quorra and Alburkab, in 1832, 1833, and 1834. By MacGregor Laird and R. A. K. Oldfield, surviving Officers of the Expedition,	
	326
IV. 1. Report from the Select Committee on Metropolis Police Offices, with the Minutes of Evidence, Appendix, and Index. Ordered by the House of Commons to be printed: 29th June, 1837.	
2. Extracts from the Second Report of the Inspectors of Prisons for the Home District, with Circular of the Right Hon. the Secretary of State for the Home Department to the Magistrates assembled at Quarter Sessions of the Peace, and to the Justices of Boroughs. By Authority, ...	358
V. Patience and Confidence the Strength of the Church: A Sermon, preached on the Fifth of November before the University of Oxford, and now published at the wish of many of its Members. By the Rev. E. B. Pusey, D.D., Regius Professor of Hebrew, and Canon of Christ Church,	
	396

VI. The Highlanders of Scotland, their Origin, History, and Antiquities ; with a Sketch of their Manners and Customs ; and an Account of the Clans into which they are divided, and of the State of Society which existed among them. By William Skene, F.S.A.S., ...	416
VII. National Education ; the Question of Questions. By Henry Dunn, Secretary to the British and Foreign School Society, ...	439
VIII. Speech of the Earl of Mulgrave on the State of Ireland, in the House of Lords, Monday, 27th of November, 1837, ...	450
IX. Practical Evils of Dissent, ...	461
X. Truths and Fictions of the Middle Ages. The Merchant and the Friar. By Sir Francis Palgrave, K.H., Keeper of the Records of the Treasury of Her Majesty's Exchequer, ...	465
XI. 1. Report of the Select Committee appointed to enquire into the working of the Negro Apprenticeship.	
2. Papers relative to the Abolition of Slavery. Parts I., II., III.	477
NOTE to the Article on the Education Bill, ...	523
List of New Publications, ...	524
Index, ...	534

THE
EDINBURGH REVIEW.

OCTOBER, 1837.

N^o. CXXXIII.

ART. I.—*The Letters of Charles Lamb, with a Sketch of his Life.*
By THOMAS NOON TALFOURD, one of his Executors. 2 vols.
12mo. London: 1837.

THIS is one of the most delightful additions to literary biography that has appeared since the publication of Hayley's 'Life of Cowper.' It is compiled with as much judgment as affection (a combination equally wanted in both cases), and is fortunately composed almost entirely from similar materials—private letters. Before proceeding farther, we shall take leave to premise a few words on the characteristic qualities of a good letter.

A correspondence is a conversation. The few rules which can be laid down with regard to either subject or style apply equally to both. Sir James Mackintosh was a great master of conversation; and the remarks suggested to him by the letters of Madame de Sevigné are universally true. 'Letters must not be on a subject. Lady Mary Wortley's letters on her journies to Constantinople, are an admirable book of travels, but they are not letters. A meeting to discuss a question of science is not conversation, nor are papers written to another, to inform or discuss, letters. Conversation is relaxation, not business, and must never appear to be occupation, nor must letters.' 'A moment of enthusiasm, a burst of feeling, a flash of eloquence, may be allowed; but the intercourse of society, either in conversation or in letters, allows no more. Though interdicted from the long-continued use of elevated language, they are not without

'a resource. There is a part of language which is disdained by the pedant or the declaimer, and which both, if they knew its difficulty, would dread: it is formed of the most familiar phrases and turns in daily use by the generality of men, and is full of energy and vivacity, bearing upon it the mark of those keen feelings and strong passions from which it springs. It is the employment of such phrases which produce what may be called colloquial eloquence. Conversation and letters may be thus raised to any degree of animation, without departing from their character. To meet this despised part of language in a polished dress, and producing all the effects of wit and eloquence, is a constant source of agreeable surprise: this is increased when a few bolder and higher words are happily wrought into the texture of this familiar eloquence; to find what seems so unlike author-craft in a book, raises the pleasing astonishment to its highest degree.'*

Accordingly, a record of the best conversations, and a collection of the best letters, must form a species of literature quite different from all others—different in subjects, different in style. The diversity is broad enough to produce and support talents and pleasures peculiar to itself. So infinite are the niceties which govern the operations of the human mind, that there are some men whose faculties appear to leave them on taking up a pen; others to become half inspired. Even in a case so similar as a conversation and a letter, there is no telling beforehand. Fox used to make Dr Lawrence put on paper what he wanted to tell him,—saying, 'I love to read your writing, I hate to hear you talk.'

This species of literature is in a great measure new. With regard to conversations, we have only one cast that we know of, taken from the living countenance—the portrait of the Johnsonian circle by Boswell. The difficulty is so great of fixing or carrying away that kind of lights and shadows—so much of the dramatic effect depends on the voice and look and manner and occasion, all of which are, of course, lost on paper—that we do not wonder at the paucity of our specimens of the talk of even the most celebrated conversationalists. The specimens which we have are almost all too of one kind, the most portable class,—such as epigrams and pointed sayings. To judge by our comedies and novels, the skill required for inventing things—so slight, fresh, and natural, as successful conversation, is not much less rare than the power and opportunity of reporting them. With

* *Memoirs of the Life of Sir James Mackintosh*, vol. ii. p. 216.

respect to private letters, few only can have any literary interest for the public; and of these, from many reasons, it is a small percentage which would, under any circumstances, ever see the light. But the truth is, that though we may suppose our ancestors to have conversed as much and as well as we do, they certainly corresponded less and worse: idle letters are modern luxuries; the last and kindest fruits of our present civilisation. That they should be easily written and easily sent, were the conditions on which alone they could come into existence; and with these conditions neither antiquity nor the middle ages were able to comply. In the first place, but a certain proportion of the ladies and gentlemen of those times had learned to write; in the next, writing materials so cumbersome as to make every letter a parchment parcel, and communications so precarious and expensive, that the epistolary bundle must probably have to wait for a courier or a caravan, were obstacles sadly in the way of a frequent communing between absent friends. Among the old English collections, scarcely an instance will be found of a letter to which it would not be ridiculous to think of applying Mackintosh's *criteria*. Scholars appear to greater disadvantage even than their plainer neighbours. The one wrote on business, and thought of nothing more. The others wrote as artists, and, adopting false views of the nature of their art, went elaborately and perversely wrong. So little were critics aware of the specific literary merit appropriate to writings of this description, that Bishop Sprat, the historian of the Royal Society, and a fair sample probably of the taste of his age, suppressed Cowley's familiar letters,—‘the language of the heart,’—for the very reason which ought to have preserved them. Under the same traditional mistake, Pope wrote the things which he meant for letters, as little like real letters as his Homer is like the real Homer. It must surely be doing Pope great injustice to suppose that he would have talked to his friends in the way he wrote to them. Having no letters of Aspasia or Cornelia to turn to, we can say nothing of Greece or Rome. But the first good modern letters which any body knows of were written by women; and the best probably still are so. Women, saved from the pedantry of books, and cultivating the art of pleasing in the intercourse of society, were naturally the first to make the step. This consisted only in transferring to paper the graceful facility and freedom of their daily lives. The letters of Lady Mary Wortley Montague are as much superior to those of Pope, as are those of Madame de Sevigné to the letters of Voiture, Balzac, and St Evremond. Letter-writers are now better acquainted with the proper use of the instrument at their disposal; and the lovers of

this kind of reading must expect no further help than is to be found in extension of education, and facility of carriage—in the schoolmaster, Mr Waghorn, and Mr Rowland Hill. Every improvement in the Post-Office will augment indefinitely the supply out of which this delightful supplement to modern literature must be derived. Our present state of society wants its realities to be confirmed, its individualities to be manifested, its domestic affections to be cherished. Towards all this, good letters in their several ways powerfully contribute.

The art of a fiction is tried in the skill with which its selections and combinations from real life are made. The more that works of imagination are multiplied, the more desirable is it that we should be able to check the artist by a further and more extensive acquaintance with the realities themselves. How few novels deal faithfully with life—especially with the staple passion, love. Letters open to us the exigencies of life, and the differences of character, in the most unstudied and incidental manner. By means of them our knowledge of life, as it actually exists, with all its hopes and fears and sympathies, is as much enlarged as in the most successful fictions; and, necessarily, with a stronger conviction of truth than any fiction, after we are ten years old, can possibly command. How varied too!—The conversation of no two persons is exactly alike. No more will be their letters, upon the supposition that their letters are what we have said they ought to be—their conversation in another form. Of this we have excellent examples of our own. In Gray, we see the accomplished academic—notwithstanding all his scorn of the University, gowned and formal still. In Walpole, all the malicious grace, with most of the weaknesses and vices of the period, and the circle in which he had been formed. The letters of Lord Byron are the free and dashing outpourings of himself—the tide rising over the banks, and laying under water streets and corn-fields with equal indifference. Such as he was, he appears before us—a Don Juan of a higher order—to be loved and admired, pitied and despised. The revelations of Cowper and Lamb, like those of Madame de Sevigné, are not less characteristic, and are of a more endearing kind. They take us to the sunny side of human nature, and show us life in its most attractive aspects—the affectionate intercourse of devoted friends. While we read, the world without insensibly disappears. We see only in its stead some favoured spots, peopled by a happy race, with open arms and open hearts, who seem for the time to have little else to do, but to love and entertain, and somewhat spoil each other. The charm is so great that you are domesticated amongst them before you are

aware ;—have become one of them yourself ; their interests your interests ; their friends your friends. And, happy is the reader who may never have occasion to fall back with a melancholy satisfaction on the thought, that here at least, among the Grignons and the Unwins, he is possessed of friends of whom he is always sure, and whose genial confidences are of a kind not to be mistaken or withdrawn. Few books, we believe, have made more persons good and happy than the scenes opened in such letters. People, after living long in an atmosphere of affection, find they cannot comfortably breathe in any other ; and many on coming back into the world, must have been tempted to try to realize anew within their own immediate circle its simplicity and power. Icebergs of one kind or another, are for ever drifting down from colder latitudes, to chill the region in which one lives. So that men need not fear lest they should be cockering and tendering themselves overmuch, although they are on the look-out for all expedients to keep the social warmth at its greatest height, or even to raise it a few degrees.

Whatever it should prove that literature may happen to get from letters, may be put down as so much pure gain. The spare moments employed in letter-writing are usually odds and ends of time, which would otherwise have been turned to no available account. Where more time has been given to it, it is probable that, without the motive communicated to the pen from the affections, the parties in question would never have been at the pains of clothing their thoughts and feelings in any permanent form whatever. Madame de Sevigné has written only letters. It may be doubted whether she could have written any thing else. Our two best letter-writers, Cowper and Lamb, always went about their other writings as much in the spirit of a letter as they could contrive. Their identity throughout—the way in which their personal attachments are ground into their very nature—is one of the great attractions and verities of their works. Every thing about them is in this sense so true. Mrs Unwin, Lady Hesketh, and Lady Austin were Cowper's muses. His verses were written to them, and for them, much more than for any other public. The same stream of thought and feeling will be perceived constantly rising up in his poetry and his letters. Lamb's verses are to the full as personal. It is almost their only merit. You must love him and his before you can like them. He dedicated them to his sister and Coleridge. They might have been supposed most of them originally composed with that object, or one very like it. Lamb's letters and essays are often identical in subject and even in expression. In these two last mentioned cases, the whole power and retinue of their minds waited upon

their affections, and would come out at no other call. Like the dumb son of Cressus, they seemed to find in the trials and necessities of the heart, a voice of which they were never before conscious, and which, perhaps, never before existed. This is one of the principal reasons why women excel in letter-writing. The extent to which their intellectual powers dwell in, and are developed by the affections, constitutes their characteristic weakness and characteristic strength. It is a feminine peculiarity, which applies more or less to many men besides Cowper and Lamb. A great proportion of the trimmers between the two sexes would probably be found among the letter-writers. For, on no occasion are the heart and understanding kept so tenderly and playfully near each other. This, we fear, will lead us to the easy solution of a problem which Lamb had provided for the philosophers, by observing, that a philosophical treatise is wanting, of the causes of the backwardness with which persons, after a certain time of life, set about writing a letter. We have heard of a sun-dial where the hours were told by the opening and shutting of particular flowers. A table framed according to the gradual development and gradual decay of our faculties, passions, and affections, might make a corresponding time-piece for human life. They come in and go out, it is true, at different periods with different persons. But the approximation to uniformity is sufficiently close to allow of an average being struck. If Cicero's picture of old age, was in every case, or in most cases, correct, there would be no difficulty in adopting the theory which supposes this world to be a furnace for forming our potter's clay into vessels of the best fashion that our respective clays can take. But, when advancing years so often appear 'skilled to make 'crooked that which God made straight'—doing much worse things than stopping correspondences—even to the pulling down within, as much as without, what it had been the great object of youth and manhood to build up;—under these circumstances, truly we know not what to say. Thus much is clear. It behoves us all, as we get older, to summon to our rescue every means of appliance, and counteraction in our power.

The department of literature in which our modern habit of letter-writing will work the greatest revolution, is biography. We shall know many characters in a different, and far more agreeable manner, than they could ever before be known. A life may be written by a stranger, by a friend, or by the party himself. Each plan has its advantage, according to the object principally in view. Scientific lives of men of science, to be good for any thing, must still be left in the hands of a man of science. Critical lives of poets, we conceive, also will have

a better chance of being useful and pleasing when written by a person who has a taste for poetry. On the other hand, where personal character and habits form the principal subject of interest, a stranger stands too far off. This is a case where we have no security for fidelity in the outline, and brightness in the colours, except in the knowledge and sympathy of a friend. Autobiography is only entitled to a preference, when the party has something to say concerning himself, by way of confession or explanation, of which no third person is cognizant, or can say as well. This will occur seldom; for writings are not biographies, for our present purpose, in which the personal narrative makes as small a part of the writer's reminiscences, as in the Memoirs of Sully, De Retz, and St Simon. Works of this description are meant to be memoirs of 'their own times' as much as Burnet's. The authors propose to be nothing more than the central objects from which the light streams upon the surrounding figures that are grouped around them. Journals approach nearer to the point of view we are wanting; but it is accidentally, and by fits. The Journals of Evelyn and Pepys were kept as memoranda of as much of the gossip of the day as they thought they were likely to wish afterwards to recall. It is only because their interests were more domestic, that more of their own individuality gets out. Common personal diaries, which ought to be the very thing itself, turn out usually to be the worst of all. Striking entries will occasionally be met with. But on the whole, even when kept for the solemn purpose recommended by Foster in his recent Essay upon this subject, the most proper materials for 'self-examination' are unprofitable and uninteresting to the public. The body, too, with its temporalities, its dinners and digestions, has a sad tendency to encroach upon its spiritual partner; and to furnish a record more suitable for the perusal of the medical man than the confessor, although it be the Diary of a Laud or a Johnson. At best, it is but a minute portion of life, and a dry and severe one which is inscribed in this *livre noir*. For any man to take up the pen with the avowed object of giving the world an accurate picture of himself, is a very different and much more delicate affair. If the consciousness of sitting to another for one's portrait alters at once the whole air of almost every individual, the change is worse when one sits down professedly to one's self. So many difficulties are in the way of the prosperous execution of this experiment, that it is perhaps scarcely to be regretted that it has not been more frequently repeated. On the other hand, none of the objections apply to a free and unreserved correspondence. When continued throughout a life, it becomes as perfect, because as unconscious a representation as

a reflection in a glass; or as the view which would be thrown open by putting a window in the breast.

Charles Lamb was of Lincolnshire extraction—was born in the Temple, A.D. 1775—brought up at Christ's Hospital—and, after working for five-and-thirty years in the India House, had ten years of leisure interposed between the Accountant's Office and the grave. He and his sister always lived together,—a pattern of the perfect union which Nature surely meant to make of that fortunate relationship. True Londoners, they never had the courage all this time to transplant their home further from London than the suburbs;—happy in a society, which Lamb's popularity rendered it difficult, after he was once found out, to keep within reasonable limits either as to numbers or to hours. In the mean-time, his favourite reading lay chiefly amongst our old English authors; part of the fruits of which appeared in his 'Selections from dramatists contemporary with Shakspeare.' Some time sooner, however, at the premature age of twenty-two, he had already been induced to appear before the public in a volume of poetry. The pleasure of having his friends Coleridge and Lloyd for partners, and of surprising his sister with a dedication, was a temptation he could at no time of his life withstand. The following year he published '*Rosamund Grey*'—a story after the manner of Mackenzie. The comparative popularity of this story ought to have satisfied him that his vocation was not towards poetry. Coleridge himself, we suspect, would have willingly accepted a settlement of their affectionate account in some other shape than the subsequent dedication of his collected poems. At last, and at intervals, came out the '*Essays of Elia*,'—very remarkable compositions, which established his reputation on such good and lasting grounds, that nothing more can be wished or expected from the letters collected by Mr Talfourd than that they should support it. This we think they do. They are composed with equal elegance. Where the ground gone over is the same, the letter sometimes is the better of the two. Compare, for example, the letter to Wordsworth in behalf of London, with the paper called the *Londoner*; and the letter to Coleridge, which grew afterwards into the Essay on '*Roast-pig*.' Lamb says that he never kept a scrap of a letter. The similarity in these and other of his essays (for instance the '*Superannuated Man*'), and the resemblance by which he was so much struck himself, between two letters he wrote to Mr Wilson, the biographer of Defoe, at the distance of fifteen years, prove at least the fidelity and unity of the impressions under which he wrote.

There are three classes of authors—the machines, the artists,

and the mirrors of their own nature. Lamb was of the last. He was only a great writer when he wrote from himself; and this self of his was so impregnated with his affections, that, in that case, he could only write about the things and persons whom he loved. The real and the ideal, however, met in his nature on such equal terms, that whatever the first began the latter finished. His heart had no sooner set him to work, than a form like that of a capricious fairy was seen hovering near. His fancy took the story up,—played with it, twisted it, bedizened it, now fondled it, now mocked it,—and at last ushered it into the world an apparent changeling, whose identity its nominal sponsor could verify only as Autolycus verified the ballads in his pack, by asking ‘Why it should be supposed that he carried lies about with him?’ Homer speaks of two tuns near the throne of Jupiter, of both of which all must drink—one of pain, the other of pleasure. The readers of Lamb must equally drink of his double fountain of truth and falsehood; for they spring up and flow on so close together, that it is impossible to distinguish them.

His devotion to the real is every where manifest. Matter of fact was with him, in morals as well as literature, so necessary a point to start from that he had a suspicion of benevolence on a larger scale than that of single beggars;—hated Howards, societies, and the ostentation of relief,—and took an especial pride, he declares, at his brother having been turned out of a charitable institution for refusing to proceed to the only mode in which any thing useful could be done.

In acknowledging the present of ‘Roderick’ from Southey, Lamb pleasantly touches on the difficulty which he always felt on being forced beyond the circle of his old associations. ‘It reminds me’ (he says) ‘of the delight I took in the first reading of the “Joan of Arc.” It is maturer and better than *that*, though not better to me now than that was then. It suits me better than Madoc. I am at home in Spain and Christendom. I have a timid imagination, I am afraid. I do not willingly admit of strange beliefs, or out-of-the-way creeds or places. I never read books of travels, at least not farther than Paris, or Rome. I can just endure Moors, because of their connexion as foes with Christians; but Abyssinians, Ethiops, Esquimaux, Dervises, and all that tribe, I hate. I believe I fear them in some manner. A Mahometan turban on the stage, though enveloping some well-known face (Mr Cook or Mr Maddox, whom I see another day good Christian and English waiters, innkeepers, &c.), does not give me pleasure unalloyed. I am a Christian, Englishman, Londoner, *Templar*. God help me, when I come to put off these snug relations, and to get abroad into the world to

'come! I shall be like the *crow on the sand*, as Wordsworth 'has it; but I won't think on it; no need I hope yet.' He had afterwards occasion to renew the notice of this peculiarity in a graver mood. He imagines that Southey had been alarmed by his 'Essay on the New Year,' in which he had described 'the feelings of the merely natural man, on a consideration of the 'amazing change which is supposable to take place on our removal from this fleshly scene.' Under this impression, he explained his meaning by an evident reference to his own case. 'One man shall love his friends and his friends' faces; and, 'under the uncertainty of conversing with them again, in the 'same manner and familiar circumstances of sight, speech, &c., 'as upon earth—in a moment of irreverent weakness—for a 'dream-while—no more—would be almost content, for a reward of a life of virtue (if he could ascribe such acceptance to 'his lame performances), to take up his portion with those he 'loved, and was made to love, in this good world, which he 'knows—which was created so lovely, beyond his deservings. 'Another, embracing a more exalted vision—so that he might 'receive indefinite additaments of power, knowledge, beauty, 'glory, &c.—is ready to forego the recognition of humbler 'individualities of earth, and the old familiar faces. The shapings of our heavens are the modifications of our constitution; 'and Mr Feeble-Mind, or Mr Great-Heart, is born in every 'one of us.' It was by no means strange that he should feel this with respect to the 'New Jerusalem;' for he felt it even in the New London and with new servants. 'Town' (he writes two or three years before his death), 'with all my native hankering after it, is not what it was. The streets, the shops are 'left, but all old friends are gone. And in London I was frightfully convinced of this as I passed houses and places, empty 'caskets now. I have ceased to care almost about any body. 'The bodies I cared for are in graves, or dispersed. My old 'chums, that lived so long, and flourished so steadily, are crumbled away. When I took leave of our adopted young friend at 'Charing Cross, 'twas a heavy unfeeling rain, and I had no 'where to go. Home have I none, and not a sympathizing house 'to turn to in the great city. Never did the waters of heaven 'pour down on a forlorn head. Yet I tried ten days at a sort 'of friend's house, but it was large and straggling,—one of the 'individuals of my old long knot of friends, card-players, pleasant 'companions, that have tumbled to pieces, into dust and other 'things; and I got home on Thursday, convinced that it was 'better to get home to my hole at Enfield, and hide like a sick 'cat in my corner. And to make me more alone, our ill-tem-

‘pered maid is gone, who, with all her airs, was yet a home-piece of furniture, a record of better days; and the young thing that has succeeded her is good and attentive, but she is nothing. And I have no one here to talk over old matters with. *Scolding and quarrelling have something of familiarity, and a community of interest; they imply acquaintance; they are of one sentiment, which is of the family of dearness.* I can neither scold at nor quarrel at this insignificant implement of household services; she is less than a cat, and just better than a deal dresser.’

This predilection for, and concentration in the scenes immediately around him, and even the books to which he had got accustomed, narrowed his literary pleasures. He stuck to Fielding and Smollett, and would not be at the trouble of embarrassing himself with the new plots and new faces provided for the world by Scott. Modern poetry met with the same ungracious reception, except when it came recommended to him by his partiality for the author. The disciple of the ancient faith, who dismisses Byron for the extravagance of his passions, and Shelley for the icy coldness of his imagination, must have proceeded, we may be sure, quite as summarily and absurdly with the poet of Kehama, had not friendship stopped his hand. Lamb's sympathies were more with the barn-door fowl than with the eagle; and it is evident that he preferred sauntering, as it were, about home with Bernard Barton, to venturing his tranquillity in more vertiginous and distant flights. Within this circle, it is true that he indemnified himself to the uttermost by the liberties he took with every domestic incident and familiar form. He turned them inside out, and idealized and made gentlefolks of them all. It was this double character which mystified strangers so. On his first acquaintance with Bernard Barton, he had to explain the levities to which the Quaker poet was not yet so used as his older friends, and to ruminate upon the fatality by which every thing he touched turned into a ‘lie.’ Long afterwards he replied in his usual style, when he was called upon to the rescue of Joseph Paice, the pink of ‘modern gallantry,’ from being marched off with Guy of Pimpernel and his companions to the land of shadows. ‘The more my character comes to be known, the less my veracity will come to be suspected. Time every day clears up some suspected narrative of Herodotus, Bruce, and others of us great travellers. Why, that Joseph Paice was as real a person as Joseph Hume, and a great deal pleasanter. A careful observer of life, Bernard has no need to invent. Nature romances it for him.’ The habit Lamb had got into of putting a deep embroidery of foreign lace upon the

homespun wool, which alone he admitted into his web, seems to have given him a particular satisfaction in correspondences with another hemisphere. The germ of his Essay on 'Distant Correspondents' was a letter to Mr Baron Field, then a judge in New South Wales. There is no misunderstanding the chuckle of content with which he points out the amount of unavoidable falsehood which his letter must contain. 'Why, half the truths I have sent you in this letter will become lies before they reach you, and some of the lies (which I have mixed for variety's sake, and to exercise your judgment in the finding of them out), may be turned into sad realities before you shall be called upon to detect them. Such are the defects of going by different chronologies. Your now is not my now; and again, your then is not my then; but my now may be your then, and *vice versa*. Whose head is competent to these things? How does Mrs Field get on in her geography? Does she know where she is by this time? I am not sometimes sure you are not in another planet; but then I don't like to ask Captain Burney, or any of those that know any thing about it, for fear of exposing my ignorance.' One of the most remarkable examples of this combination of the real and the ideal, whose curiously twisted thread will guide us through much of the labyrinth of Lamb's singular humour, is a letter addressed by him to Manning while at Canton. It has perhaps more of what was peculiar in Lamb's cast of thought, than any thing of the same length which he has left us. On this account we will present it entire. The more so because Lamb's talking was of a kind that Mr Talfourd has not been able to report a single sentence of it.

'Dear old friend and absentee,—This is Christmas-day, 1815, with us; what it may be with you I don't know, the 12th of June next year perhaps; and if it should be the consecrated season with you, I don't see how you can keep it. You have no turkeys; you would not desecrate the festival by offering up a withered Chinese bantam, instead of the savoury grand Norfolcian holocaust, that smokes all around my nostrils at this moment, from a thousand firesides? Then what puddings have you? Where will you get holly to stick in your churches, or churches to stick your dried tea-leaves (that must be the substitute) in? What memorials you can have of the holy time, I see not. A chopped missionary or two may keep up the thin idea of Lent and the wilderness; but what standing evidence have you of the Nativity? 'Tis our rosy-cheeked, homestalled divines, whose faces shine to the tune of Christmas; faces fragrant with the mince-pies of half a century, that alone can authenticate the cheerful mystery—I feel, I feel myself refreshed with the thought—my zeal is great against the unedified heathen. Down with the Pagodas—down with the idols—Ching-chong-fo—and his foolish priesthood! Come out of Babylon, O my friend! for her time is come, and

the child that is native, and the proselyte of her gates, shall kindle and smoke together! And in sober sense what makes you so long from among us, Manning? You must not expect to see the same England again which you left. Empires have been overturned, crowns trodden into dust, the face of the western world quite changed: your friends have all got old—those you left blooming—myself (who am one of the few that remember you), those golden hairs which you recollect my taking a pride in, turned to silvery and grey. Mary has been dead and buried many years—she desired to be buried in the silk gown you sent her. Rickman, that you remember active and strong, now walks out supported by a servant maid and a stick. Martin Burney is a very old man. The other day an aged woman knocked at my door, and pretended to my acquaintance; it was long before I had the most distant cognition of her; but at last together we made her out to be Louisa, the daughter of Mrs Topham, formerly Mrs Morton, who had been Mrs Reynolds, formerly Mrs Kenney, whose first husband was Holcroft the dramatic writer of the last century. St Paul's Church is a heap of ruins; the Monument isn't half so high as you knew it, divers parts being successively taken down, which the ravages of time had rendered dangerous; the horse at Charing Cross is gone, no one knows whither,—and all this has taken place while you have been settling whether Ho-hing-tong should be spelt with a —, or a —. For aught I see you had almost as well remain where you are, and not come like a Struldbrug into a world where few were born when you went away. Scarce here and there one will be able to make out your face; all your opinions will be out of date, your jokes obsolete, your puns rejected with fastidiousness as wit of the last age. Your way of mathematics has already given way to a new method, which after all is I believe the old doctrine of Maclaurin, new vamped up with what he borrowed of the negative quantity of fluxions from Euler. Poor Godwin! I was passing his tomb the other day in Cripplegate Churchyard. There are some verses upon it, written by Miss —, which if I thought good enough I would send you. He was one of those who would have hailed your return, not with boisterous shouts and clamours, but with the complacent gratulations of a philosopher anxious to promote knowledge as leading to happiness—but his systems and his theories are ten feet deep in Cripplegate mould. Coleridge is just dead, having lived just long enough to close the eyes of Wordsworth, who paid the debt to nature but a week or two before—poor Col., but two days before he died, he wrote to a bookseller proposing an epic poem on the “Wanderings of Cain,” in twenty-four books. It is said he has left behind him more than forty thousand treatises in criticism, metaphysics, and divinity, but few of them in a state of completion. They are now destined, perhaps, to wrap up spices. You see what mutations the busy hand of time has produced, while you have consumed in foolish voluntary exile that time which might have gladdened your friends—benefited your country; but reproaches are useless. Gather up the wretched relics, my friend, as fast as you can, and come to your old home. I will rub my eyes and try to recognise you. We will shake withered hands together, and talk of old things—of St Mary's Church and the barber's opposite, where the young

students in mathematics used to assemble. Poor Crips that kept it afterwards set up a fruiterer's shop in Trumpington Street, and for aught I know resides there still, for I saw the name up in the last journey I took there with my sister just before she died. I suppose you heard that I had left the India House, and gone into the Fishmonger's almshouses over the bridge. I have a little cabin there, small and homely, but you shall be welcome to it. You like oysters, and to open them yourself; I'll get you some if you come in oyster-time. Marshall, Godwin's old friend, is still alive, and talks of the faces you used to make. Come as soon as you can.'

In our scale of pleasures, those of the senses stand at a very different point according to the age and temperament of persons. They stood higher with Lamb than with most. Witness his letters to the 'man of many snipes;' the satisfaction with which his 'curious and epicurean eye' travelled over the various contingencies of a Christmas table; his drolleries on the distinctive characters of brawn, frogs, roast-pig, and leveret; and the perilous pastime which his imagination found in going over the detail of either his own or other men's computations. The following postscript to a letter from his sister to Miss Wordsworth could come from nobody but Lamb. 'Must I then leave you, gin, rum, brandy, aquavitæ,—pleasant jolly fellows? Hang temperance, and he that first invented it!—some anti-Noahite. C— has powdered his head, and looks like Bacchus—Bacchus ever sleek and young. He is going to turn sober, but his clock has not struck yet; mean-time he pours down goblet after goblet, the second to see where the first has gone, the third to see no harm happens to the second, a fourth to say there is another coming, and a fifth to say he is not sure he is the last.' This *materiel* foundation being somewhat broadly laid, the affections were the only superstructure in which Lamb afterwards took much positive concern. It was through them that you must hope to excite his imagination or get at his understanding. With the rest of life he was amused as at the theatre, except that the delusions were not equally to his taste. They were ghosts which did not put on a form that he was called upon to challenge;—clowns on whose unmetamorphosed backs he would not be at the trouble of laying his magic wand. It was in this sense that the old East India Accountant could tell Southey truly how unfit he felt for the realities of life. 'When I can't sleep o' nights, I imagine a dialogue with Mr H. upon any given subject, and go prosing on in fancy with him, till I either laugh or fall asleep. I have literally found it answered. I am going to stand godfather; I don't like the business; I cannot muster up decorum for these occasions; I shall certainly dis-

'grace the font. I was at Hazlitt's marriage, and had like to have been turned out several times during the ceremony. Any thing awful makes me laugh. I misbehaved once at a funeral. Yet I can read about these ceremonies with pious and proper feelings. The realities of life only seem the mockeries. I fear I must get cured along with Hartley, if not too inveterate.' In fact, the theatre appears to have been with him a sort of half-way house, and to have occupied an intermediate space between the world of his own heart, with the green margin thereto attached, and the out-of-doors world at large, political, literary, or otherwise, which he studiously avoided. He would love the stage, too, for the cure performed there by Macready in 'Rob Roy' upon poor Lloyd,—a cure as marvellous and complete as the best authenticated case of metallic tractors. We have never been surprised at what men of business naturally think the disproportioned importance attached to theatrical representations by almost all persons connected with a theatre; whether it be Goethe, or the humblest candle-snuffer. In Lamb's Essays, almost all the feelings of any depth, which do not grow up, as it were, on his own hearth, are his dramatic criticisms, or his joyous recollections of the stage and favourite actors. He mentions a little thing, printed anonymously, on the 'religion of the actors.' We wish it had been reprinted here. It might be out of Bernard Barton's way, as he says it was; yet perhaps might have been in ours. Lamb's reading had directed him to the drama. It was the part of our literature with which he was best acquainted. Besides, it will be seen that the theatre was also in part endeared to him by the same associations which stamped upon the more substantial occupations and cares of life the only value that, in his opinion, they possessed.

The account which he gives of the first play at which he was present, will show the way in which he brought both worlds together. The impression was too vividly burnt in to fade with time. He never passed, he says, the pit entrance to Old Drury, or looked at a particular plate in Rowe's Shakespeare, without shaking some forty years from off his shoulders, and bringing back that memorable evening,—the evening of pleasures, which since had never visited him, except in dreams. It is the very counterpart of his description of the influence produced on his after-life by the books and pictures of his childhood;—by his wanderings through Blakesmoor, with its gallery, its marble hall, and its twelve Cæsars;—and by the awe with which he watched the old benches of the Inner Temple, pacing their stately terrace, and puzzled over Mingay, with the iron

hand, before he was old enough to reason whether it was the production of nature or of art. Lamb has endeared the theatre to us by carrying us there with him to another delightful domestic scene. It is one of the disadvantages of our northern climate that the greater part of our family and social pleasures are confined within four walls. The utmost open space they have to stretch themselves out in is a theatre and a church. In his *Dialogue*, entitled, 'Old China,' Cousin Bridget is introduced feelingly expatiating on the melancholy discovery that, as they had got richer in money, they had got poorer in enjoyment.

'You are too proud,' she continues, 'to see a play any where now but in the pit. Do you remember where it was we used to sit, when we saw the *Battle of Hexham*, and the surrender of Calais, and Bannister and Mrs Bland in the *Children in the Wood*—when we squeezed out our shillings a-piece to sit three or four times in a season in the one-shilling gallery—where you felt all the time that you ought not to have brought me—and more strongly I felt obligation to you for having brought me—and the pleasure was the better for a little shame—and when the curtain drew up, what cared we for our place in the house, or what mattered it where we were sitting, when our thoughts were with *Rosalind in Arden*, or with *Viola at the Court of Illyria*? You used to say, that the gallery was the best place of all for enjoying a play socially—that the relish of such exhibitions must be in proportion to the infrequency of going—that the company we met there, not being in general readers of plays, were obliged to attend the more, and did attend, to what was going on, on the stage—because a word lost would have been a chasm, which it was impossible for them to fill up. With such reflections we consoled our pride then—and I appeal to you, whether, as a woman, I met generally with less attention and accommodation, than I have done since in more expensive situations in the house? The getting in, indeed, and the crowding up those inconvenient staircases, was bad enough; but there was still a law of civility to woman recognised to quite as great an extent as we ever found in the other passages—and how a little difficulty overcome heightened the snug seat, and the play afterwards! Now we can only pay our money and walk in. You cannot see, you say, in the galleries now. I am sure we saw, and heard too, well enough then—but sight, and all, I think, is gone with our poverty.'

In the same manner, the personal or local attachments of Lamb may be uniformly recognised by the flowers which his fancy, true to its object, however wayward in its course, has left behind. How beautifully he put into his life, as well as into his writings, the maxim of family affection—the corner-stone of every thing that is meant or that deserves to stand! The feeling breaks out in a letter of his early youth to Coleridge. What

a noble return it would have been for whatever he might owe his poetical instructor,—all told ten times over,—if his friend had but profited by the lesson.

‘I am wedded, Coleridge, to the fortunes of my sister and my poor old father. O! my friend, I think sometimes could I recall the days that are past, which among them should I choose? Not those “merrier days,” not the “pleasant days of hope,” not “those wanderings with a fair-haired maid,” which I have so often and so feelingly regretted, but the days, Coleridge, of a *mother's* fondness for her schoolboy. What would I give to call her back to earth for *one* day, on my knees to ask her pardon for all those little asperities of temper which, from time to time, have given her gentle spirit pain; and the day, my friend, I trust, will come; there will be “time enough” for kind offices of love, if “Heaven’s eternal year” be ours. Hereafter, her meek spirit shall not reproach me. O, my friend, cultivate the filial feelings! and let no man think himself released from the kind “charities” of relationship; these shall give him peace at the last: these are the best foundation for every species of benevolence. I rejoice to hear, by certain channels, that you, my friend, are reconciled with all your relations. ‘Tis the most kindly and natural species of love, and we have all the associated train of early feelings to secure its strength and perpetuity.’

Lamb’s words were facts. Years afterwards we meet with him mourning to Mr Robinson over the death of Norris, the librarian of the Inner Temple, with all the tenderness of his youth. Why was it that he loved him so? It was because he had been his father’s friend.

‘Poor Norris has been lying dying for now almost a week; such is the penalty we pay for having enjoyed a strong constitution! Whether he knew me or not, I know not; or whether he saw me through his poor glazed eyes; but the group I saw about him I shall not forget. Upon the bed, or about it, were assembled his wife and two daughters, and poor deaf Richard, his son, looking doubly stupified. There they were, and seemed to have been sitting all the week. I could only reach out a hand to Mrs Norris—speaking was impossible in that mute chamber. By this time I hope it is all over with him. In him I have a loss the world cannot make up. He was my friend, and my father’s friend, all the life I can remember. I seem to have made foolish friendships ever since. Those are friendships which outlive a second generation. Old as I am waxing, in his eyes I was still the child he first knew me. To the last he called me Charley. I have none to call me Charley now. He was the last link that bound me to the Temple. You are but of yesterday. In him seem to have died the old plainness of manners and singleness of heart.’

A man falls to pieces during a long life, and can scarcely be said to retain his personal identity from youth to age, unless the crumbling elements of thought and feeling are kept together by steady and faithful *souvenirs*—the most generous of recollections. Thus he wrote to George Dyer to the last in Blue-Coat lan-

guage: 'I don't know how it is, but I keep my rank in fancy still since school-days. I can never forget I was a deputy-Grecian! And writing to you or to Coleridge, besides affection, I feel a reverential deference to Grecians still.'

Under the influence of this home-bred sentiment, what striking pictures he has sketched of his several relations!—of their dwelling-places; their haunts, and habits; of the above-hill and below-hill feuds of Lincoln; of Mackeryend and the green lanes of pleasant Hertfordshire; of whist and Mrs Battle, and the glories of Christ's Hospital, with glimpses of the University, dear to him for the sake of Manning, Lloyd, and Coleridge; or the decayed South Sea-House and its clerks, the veteran colleagues of his brother John. The direction of his literary tastes followed the like impulse. He vindicated Hogarth—Hogarth had amused his childhood. He writes in praise of Withers—Withers was a favourite with Southey. The preface to the 'Last Essays of Elia' contains Lamb's own comical account of his peculiarities. In a letter, also, to Wordsworth, he goes into the history of his own mind; explaining how its angles seek out for corresponding angles, and how intimately his manifold friendships were all interwoven with each other: 'Deaths upset one, and put one out long after the recent grief. Two or three have died within this last two twelvemonths, and so many parts of me have been numbed. One sees a picture, reads an anecdote, starts a casual fancy, and thinks to tell of it to this person in preference to every other; the person is gone whom it would have peculiarly suited. It won't do for another. Every departure destroys a class of sympathies. There's Captain Burney gone! What fun has whist now? what matters it what you lead, if you can no longer fancy him looking over you? One never hears any thing, but the image of the particular person occurs with whom alone almost you would care to share the intelligence—thus one distributes oneself about—and now for so many parts of me I have lost the market. Common natures do not suffice me. Good people, as they are called, won't serve. I want individuals. I am made up of queer points, and I want so many answering needles. The going away of friends does not make the remainder more precious. It takes so much from them as there was a common link. A, B, and C, make a party. A dies, B not only loses A, but all A's part in C. C loses A's part in B, and so the alphabet sickens by subtraction of interchangeables.'

Lamb's life is not wanted as a commentary. His writings vouch the authentic sincerity of his affections by their simplicity, tenderness, and grace. The novelty and occasional quaintness

of the expression only make the representation more individually and eminently true. With the instinct of Cervantes,—‘the father of gentle humour,’—he never exceeds or offends in the turn his pathos takes. The unimaginative may have as much good feeling as Lamb or Milton. But they are in grievous error if they conceive that it is from having more feeling instead of less imagination, that they cannot accompany the devious wanderings of a playful or even a learned sorrow,

‘And so to interpose a little ease,

Let their frail thoughts dally with false surmise.’

What is, perhaps, even more remarkable, is the exquisite humanity and refinement which equally belongs to the passages of broadest humour. Sketches, designed with as much irony as Swift, and as much burlesque as Butler could put into them, are so far from a thought or word of coarseness, that one feels, as it were, afraid whilst looking at them, lest one’s breath should stain the pure crystallization of which they seem composed. At the same time, the borders of the ideal, which Lamb loved to be always skirting, is a kind of debateable ground where it would be an imprudence for young and inexperienced wits to trespass long. It might prove equally dangerous to their principles and their taste. Lamb was a privileged person. He wore his cockcomb and his bells with such gay unmalicious mirth, that his friends were too happy to enfeoff him, with free leave and license, to make, if he could, what is called ‘April fools’ of them, the whole year through. He threw out characters from time to time on speculation;—sometimes false scents; sometimes real. His lying ‘life of Liston’ set all the dramatic world a wondering; and the insipid wife of one of his friends, he says, looked cold on him; taking for granted a personality so feathered must have been aimed at her. Some of his inventions were gross enough for Falstaff. Like his puns,—we suppose, the worse the better. A marriage reported by Lamb would not have elicited congratulations from Mr Baron Field; nor a law-case drawn up on no more new authority have extracted an answer from Barry Cornwall. He could not expect that Bernard Barton was to believe that booksellers really live on authors’ flesh.

The ordinary position which Lamb takes up with regard to a matter of fact, is to be just so far from it as to let him look at it from any point, and see as much of it, or as little of it, as he chooses. He considers himself at liberty to throw the light and shade as suits his purpose; and the contrasts which he thus brings out at every touch, are the triumphs of his art. Lamb might safely be trusted with this power. Those whom he once had taken to were irremovably lodged for ever in his affections. He

could afterwards neither think ill of them, nor quarrel with them, nor refine about them. He loved them, faults and all. At the same time he saw the faults and strangenesses as well as other people; and could, according to circumstances, with a few strokes of his graphic pen, exhibit them in picturesque relief. For instance, on Coleridge's setting off for Germany, Lamb sent him a series of *theological propositions*; one or two of which regarding honesty and practice, it must be allowed, are rather over-impudent; and such as we cannot wonder that the great master of what Lamb calls *Coleridgeising*, was disposed at first to take amiss. The propositions, with the letter addressed at the time by Lamb to Southey, will be found in the work before us, which, we presume, every body will read. Coleridge gave Mr Cottle the original letter, with which Lamb had accompanied the propositions, observing, 'these young visionaries' (meaning Lamb and Lloyd) 'will do each other no good.' It would be curious to know what species of visionary Coleridge could help towards keeping right. As we cannot make the same presumption in favour of Mr Cottle's work* as of Mr Talfourd's, we shall give the letter here. It might have furnished Goethe with a hint for a third *dramatis personæ*, interposed between Mephistopheles and Wagner.

'Learned Sir, my friend,—Presuming on our long habits of friendship, and emboldened further by your late liberal permission to avail myself of your correspondence, in case I want any knowledge (which I intend to do, when I have no Encyclopædia or Ladies' Magazine at hand to refer to, in any matter of science), I now submit to your enquiries the above theological propositions, to be by you defended or opugned (or both) in the schools of Germany, whither, I am told, you are departing to the utter dissatisfaction of your native Devonshire, and regret of universal England; but to my own individual consolation, if, through the channel of your wished return, learned Sir, my friend, may be transmitted to this our island, from those famous theological marts of Leipsic and Gottingen, any rays of illumination, in vain to be derived from the home growth of our English halls and colleges. Finally wishing, learned Sir, that you may see Schiller, and swing in a wood' (vide poems), 'and sit upon a tun, and eat fat hams of Westphalia, I remain your friend and docile pupil to instruct.'

The greater part of all his letters to Coleridge are written in the same jesting tone, a little subdued. They chiefly relate to borrowing, lending, or sending books; and are full of ludicrous and sprightly mockings at the obscure and ponderous favourites of his friend, whose reading lay in regions so distant from his

* *Early Recollections, chiefly relating to the late S. T. Coleridge.* 2 vols, 12mo.

own. Lamb writes to Coleridge as he talked, secure of pleasing, whatever he might say, though he should come tumbling down, as through a skylight, upon the middle of one of Coleridge's grand and interminable harangues. Coleridge one day asked him, 'Charles, did you ever hear me *preach*?' To which Lamb answered, 'I never heard you do any thing else.'

These discordant concords—these unions in partition—where, while some rays were absorbed, others were broken and reflected, afforded the happiest playground for Lamb's glancing mind. On this principle, when he was in the mood for his sauciest gibes against the country, and exuberantly rioting in his love of London, he must needs pick out Wordsworth for his Cockney confidant.

'Separate from the pleasure of your company, I don't now care if I never see a mountain in my life. I have passed all my days in London, until I have formed as many and intense local attachments as any of you mountaineers can have done with dead nature. The lighted shops of the Strand and Fleet Street; the innumerable trades, tradesmen, and customers, coaches, waggons, playhouses; all the bustle and wickedness round about Covent Garden; the watchmen, drunken scenes, rattles;—life awake, if you awake, at all hours of the night; the impossibility of being dull in Fleet Street; the crowds, the very dirt and mud; the sun shining upon houses and pavements; the print-shops, the old book-stalls, parsons cheapening books, coffeehouses, steams of soups from kitchens; the pantomimes—London itself a pantomime and a masquerade—all these things work themselves into my mind, and feed me without a power of satiating me. The wonder of these sights impels me into night-walks about her crowded streets, and I often shed tears in the motley Strand, from fulness of joy at so much life. All these emotions must be strange to you; so are your rural emotions to me. But consider, what must I have been doing all my life, not to have lent great portions of my heart with usury to such scenes? My attachments are all local, purely local—I have no passion (or have had none since I was in love, and then it was the spurious engendering of poetry and books) to groves and valleys. The room where I was born, the furniture which has been before my eyes all my life, a book-case which has followed me about like a faithful dog (only exceeding him in knowledge), wherever I have moved,—old chairs, old tables, streets, squares, where I have sunned myself—my old school,—these are my mistresses: have I not enough, without your mountains? I do not envy you. I should pity you, did I not know that the mind will make friends of any thing. Your sun, and moon, and skies, and hills, and lakes, affect me no more, or scarcely come to me in more venerable characters, than as a gilded room with tapestry and tapers, where I might live with handsome visible objects. I consider the clouds above me but as a roof beautifully painted, but unable to satisfy the mind; and at last, like the pictures of the apartment of a connoisseur, unable to afford him any longer a pleasure. So fading upon me, from disuse, have been the beauties of Nature, as they have been confinedly called; so ever fresh, and green, and warm are all the inventions of men,

and assemblies of men in this great city. I should certainly have laughed with dear Joanna.'

This is followed by a long letter from Lamb to Manning, describing the effect which mountain scenery had produced upon his mind. The effect was only enough to give him a glimmering of what poets and tourists mean by the word *romantic*. It answered no deeper or more abiding end.

'Such an impression I never received from objects of sight before, nor do I suppose that I can ever again. Glorious creatures, fine old fellows, Skiddaw, &c. I never shall forget ye, how ye lay about that night, like an intrenchment; gone to bed, as it seemed for the night, but promising that ye were to be seen in the morning.'—'O, the fine black head of Skiddaw, and the bleak air atop of it, with a prospect of mountains all about and about, making you giddy; and then Scotland afar off, and the Border countries, so famous in song and ballad! It was a day that will stand out, like a mountain, I am sure, in my life. But I am returned (I have now been come home near three weeks—I was a month out), and you cannot conceive the degradation I felt at first, from being accustomed to wander free as air among mountains, and bathe in rivers without being controlled by any one, to come home and *work*. I felt very *little*. I had been dreaming I was a very great man. But that is going off, and I find I shall conform in time to that state of life to which it has pleased God to call me. Besides, after all, Fleet Street and the Strand are better places to live in for good and all than amidst Skiddaw. Still, I turn back to those great places where I wandered about, participating in their greatness. After all, I could not *live* in Skiddaw. I could spend a year, two, three years among them, but I must have a prospect of seeing Fleet Street at the end of that time, or I should mope and pine away, I know. Still, Skiddaw is a fine creature.'

In making this excursion he was more fortunate than Cowper. Cowper and Lamb had much in common in their tenderness and playful wit; in the necessity of work being found for them; in their admiration of Vinny Bourne, the town-poet; in their merry stories (for the Enfield landlord's ride is a proper prose companion to John Gilpin); and, above all, in the Mary, with whom and for whom they lived. The turn with which the Olney poet concludes his wish belongs to the calamity (the terrors that Cowper had suffered from his youth upward with a troubled mind) from which Lamb providentially was saved. 'I would,' Cowper tells Newton, 'that I could see some of the mountains which you have seen, especially because Dr Johnson has pronounced no man is qualified to be a poet who has never seen a mountain. But mountains I shall never see, unless, perhaps, in a dream, or unless there are such in Heaven; nor those unless I receive twice as much mercy as ever yet was shown to any man.' Cowper had a true love of Nature. He saw beauties

even in the country about Olney. Lamb's heresy was not merely that he loved London more—which we could excuse him—nor was it confined to declaring that the country about Enfield was quite as good as Westmoreland—for that in a sort of way we could excuse him too—but he insulted even the suburban Pan so far as to disclaim all longing after natural scenery, which would not be satisfied by the waving grass that yet lingers in the churchyards of the city. Mr Talfourd says the country was always dismal to him. Lamb resembled the insect which will not begin to spin till something is put before it, to which it can fix itself and weave. That something was not presented him in the country; and all his associations had always lain another way. The highest class of poetical instincts was clearly wanting in him. Nobody can read many pages of his prose without perceiving that he had a great deal of the materials of beautiful poetry fantastically scattered up and down his nature: on the other hand, the sight of all the mountains in the world, aided by the most assiduous practice in the mechanism of the art, could never, we think, have made him a considerable poet.

One of the great advantages which human nature, as represented in the intercourse of society, possesses over the representation of it in books, is, that in the latter case, a reader commonly gets little more than mere talent, while the far more genial effects which belong to differences of individual character are comparatively lost. The pleasure of character both in sympathy and contrast (for they blend together), is a pleasure of a quiet and observing kind; yet there is a glow in its latent heat which, though not so soon perceived, lasts longer than that of the sparkles struck out from the dazzling fence of wits, and pure intellectual collisions. In a room, how much depends not only on the thing that is said, and the way of saying it, but on our knowledge of all the idiosyncrasies of the particular persons by whom, and to whom, it is addressed. Letters are the nearest approach which we can make in this respect to the privilege of a drawing-room. Lamb chose his persons well. The opposition between the calm of the country, and burning haystacks, was not enough, unless George Dyer—'good unincendiary George'—was brought from his corner in the Bodleian, or his Inn of Court, to read Lamb's wild incendiary narrative of it by the glare. A gallows is a solemn thing to trifle with even when it has charge of Fauntleroy's and Thurtells. Notwithstanding his treatise 'on the inconvenience of being hanged,' Lamb probably would not have volunteered upon the office of imaginary historian to the hangman in ordinary cases. But the ludicrous incongruity of making his Quaker correspondent an involuntary party to his fantastical suppositions, was such an opportunity as he had not the self-

denial to let slip. What Lamb wrote, Bernard Barton was to read.

‘The fate of the unfortunate Fauntleroy makes me, whether I will or no, to cast reflecting eyes around on such of my friends as, by a parity of situation, are exposed to a similarity of temptation.’ . . . ‘You are as yet upright; but you are a banker, or, at least, the next thing to it. I feel the delicacy of the subject; but cash must pass through your hands, sometimes to a great amount. If, in an unguarded hour—but I will hope better. Consider the scandal it will bring upon those of your persuasion. Thousands would go to see a Quaker hanged, that would be indifferent to the fate of a Presbyterian or an Anabaptist. Think of the effect it would have on the sale of your poems alone, not to mention higher considerations. I tremble, I am sure, at myself, when I think that so many poor victims of the law, at one time of their life, made as sure of never being hanged as I, in my own presumption, am ready, too ready, to do myself. What are we better than they? Do we come into the world with different necks? Is there any distinctive mark under our left ears? Are we unstrangulable, I ask you? Think on these things. I am shocked sometimes at the shape of my own fingers, not for their resemblance to the ape tribe (which is something), but for the exquisite adaptation of them to the purposes of picking, fingering, &c.’

The single occasion on which Lamb was called upon to lay aside the half-raised mask in which he walked the world, softening it with his pathos, and cheering it with his fun, was an unintentional provocation heedlessly given him by one of his oldest allies. Lamb descended into the arena to a stand-up fight, in what he thought a defence of himself, and one or two obnoxious friends, with a manliness of spirit and a keenness of just and earnest sarcasm, which show what splendid victims he might have offered up with that bright and cutting weapon, had not the kindliness of his nature carried it buried in its sheath. Southey had perhaps said nothing but what a stranger might have said. It was that, however, which constituted the precise grievance,—supposing Southey to be a friend. Southey did not mean to injure; but he had injured. Under these circumstances we cannot think that Lamb, in the form which his vindication took, has said a single syllable which he could honestly retract, or of which he had any cause whatever, in reason, to repent. Yet so painful was an attitude of hostility to him, that his vindication became almost the immediate text for a series of submissive and penitent apologies. If Mr Southey has the generosity, for which we give him ample credit, Lamb's apologies will have been much more painful to him, than any language, offensive or defensive, which his friend before had used. The defence of Leigh Hunt and Hazlitt—the retort on Southey's own religious levities—how for thirty years he had never left the Devil's tail quiet for a single minute—the sneer at the waste labour with which Southey's orthodox logic has been invariably

confined to converting the already converted, and proselytizing his own party, are all admirably done. Do the clergy ever mean to attend to the pious and sensible advice which Lamb gave them upon this occasion, on the impolicy (to say no more) of shutting the public out of our churches, except during the scanty period in the week consecrated to their professional services? The advice arose out of the simple account which Lamb had to render to his supposed accuser of the nature of his religious feelings. His flaming Unitarianism was burnt out. The days were over when the sole superiority which Lamb ever expected to be able to arrogate over Coleridge consisted in the fact that he had seen Priestley (the then god of their joint idolatry), which Coleridge had not. But Lamb had not gone back. More than the value of any doctrines he could have ever had to give up had passed into his temper,—penetrated and indeed constituted his mind. In religious, apparently as in other questions, his mind enlarged its capabilities and its sphere; not by theories and on generals, but through particulars, and by accretion. If he turned away from philanthropists, and schemes of universal benevolence, he did not abjure the cause, but worked on, as the coral formation grows, inch by inch. For Lamb to have built up in politics, or in religion, a wall of dogmatical separation, would have been lost time. Whatever line it might have followed, he would assuredly have pulled it down, at some time or another, to let in Coleridge and Southey on this side, or Leigh Hunt and Hazlitt upon the other. Lamb had gradually approached nearer and nearer to the Quakers. A great part of his reading latterly was devoted to the history of their spiritual heroes; and he at last sent in to Bernard Barton a sort of incomplete adhesion. The defensive statement which he made to Southey was as follows:—

‘ You were pleased (you know where) to invite me to a compliance with the wholesome forms and doctrines of the Church of England. I take your advice with as much kindness as it was meant. But I must think the invitation rather more kind than seasonable. I am a Dissenter. The last sect, with which you can remember me to have made common profession, were the Unitarians. You would think it not very pertinent, if (fearing that all was not well with you) I were gravely to invite you (for a remedy) to attend with me a course of Mr Belsham’s lectures at Hackney. Perhaps I have scruples to some of your forms and doctrines. But if I come, am I secure of civil treatment? The last time I was in any of your places of worship was on Easter Sunday last. I had the satisfaction of listening to a very sensible sermon of an argumentative turn, delivered with great propriety, by one of your bishops. The place was Westminster Abbey. As such religion, as I have, has always acted on me more by way of sentiment than argumentative process, I was not unwilling, after sermon ended, by no unbecoming transition, to pass over to some serious feelings, impossible to be disconnected from the sight of

those old tombs, &c. But, by whose order I know not, I was debarred that privilege even for so short a space as a few minutes; and turned, like a dog, or some profane person, out into the common street; with feelings, which I could not help, but not very congenial to the day or the discourse. I do not know that I shall ever venture myself again into one of your churches.'

Looking at her vast cathedrals and her vast revenues, truly, we sometimes think, that the Church of England may be considered as having taken out a patent for making of them as little as can be made. A character, formed in the manner we have been describing, could not fall into the common rank and file of human life, and take its place quietly as member of a class. It had become an individual by itself. Such a character would find by experiment, that what might be truths to others were not truths to it: on picking to pieces steady and received maxims, they appeared to it popular fallacies or vulgar errors. The consequence of this is, that in the calculation of its means and regulation of its conduct, an original character, as far as it is original, is, by the nature of the case, deprived of the benefit of the experience of others: to that extent their experience would, by the supposition, mislead it. Yet is it less likely to go wrong by taking its own irregular instincts and headlong sympathies for a guide! Lamb accordingly made mistakes; they were far short, however, of what might at first sight have been expected. Mr Cottle, says Coleridge, had a great opinion of his judgment. That Lamb was fully aware of the 'sanity of true genius,' his paper with that title proves. His accurate observation upon others fortunately satisfied him that there were some principles which admitted of no exceptions. Of these, one was the wisdom of bearing lightly the yoke of any drudgery, by which a stable independence, however humble, should be secured; another was that great truth, which doctors so carefully conceal and cordially abhor, that valetudinarianism is the worst of all diseases. It was a singular transposition of duties that it should fall to Lamb to have to teach these lessons of worldly wisdom to a Quaker. But, in preparing them for the edification of Friend Barton, it will be seen that he dressed the dish after his own taste, and with the sauce that his soul loved. Unluckily, Lamb's survey of his fellow-creatures had not equally taught him that one of the rarest gifts of Providence is the genius for happy and graceful idleness. When the devil finds a man idle, he sets him to work, says the proverb: we should add, the limitation,—or sets to work on him, and this is an alternative almost as bad. In the first riotous transports of his emancipation from Leadenhall Street, Lamb announced that the chief employment of the blest was doing nothing; the next, doing good works. A few short months passed, and we hear another

story. Overwork is found to be far better than none at all; and we see him in the British Museum at his substituted taskwork among the Garrick plays; happy to be so engaged, not merely for the sake of helping Hone, but for the privilege of grinding off over it his old office hours—the same hours which the India House had kindly taken off his hands, at a time when he was little conscious of the kindness they were doing him. From the gentle exaggerations and artful contrasts by which he was wont ‘shadowy to set off the face of things,’ Lamb must have encouraged a tendency to look at subjects too much in their extremes. This is to be sowing bright seed that it may come up in disappointments. Lamb cursing the deal desk to which he was nailed in Leadenhall Street—Lamb gazing on his newly acquired freedom with incredulous delight, as on a bride whom relenting fate at last had granted him—and Lamb, soon afterwards complaining of this freedom as a burden too heavy for him to bear,—are three striking pictures. The fable of the countryman’s dialogue with Death is not more instructive than the vehemence of Lamb’s supplications for time, more time; and when time really comes to him, his anxiety to get rid of it by imprecations or prayers,—by force or wheedling, and almost on any terms.

Out of many passages to this effect, we have space only for two or three. In Lamb’s eyes the true liberty haters were the heads of offices, who had cut off red-letter days, and the half holiday on a Saturday. On Wordsworth comforting him with the wish he could give him some of his own leisure, Lamb entered by anticipation on the paradise of dainty delights which the thought suggested.

‘I mean some day to attack Caryl on Job, six folios. What any man can write, surely I may read. If I do but get rid of auditing warehousekeepers’ accounts, and get no worse harassing task in the place of it, what a lord of liberty I shall be! I shall dance, and skip, and make mouths at the invisible event, and pick the thorns out of my pillow, and throw ’em at rich men’s night-caps, and talk blank verse, hoity, toity, and sing—“A clerk I was in London gay,” “Ban, ban, Ca-Caliban,” like the emancipated monster, and go where I like, up this street or down that alley.’

A little later he continues,—

‘The foul enchanter—“Letters four do form his name”—Busirare is his name in hell—that has curtailed you of some domestic comforts, hath laid a heavier hand on me, not in present infliction, but in the taking away the hope of enfranchisement. I dare not whisper to myself a pension on this side of absolute incapacitation and infirmity, till years have sucked me dry,—*Otium cum dignitate*. I had thought in a green old age (O green thought!) to have retired to Ponder’s End, emblematic name, how beautiful! in the Ware Road, there to have made up

my accounts with heaven and the company, toddling about between it and Cheshunt, anon stretching, on some fine Isaac Walton morning, to Hoddesdon or Amwell, careless as a beggar; but walking, walking ever, till I fairly walked myself off my legs, dying walking! The hope is gone; I sit like Philomel all day (but not singing), with my breast against this thorn of a desk, with the only hope that some pulmonary affliction may relieve me.'

Afterwards, asking Bernard Barton for a poetical account of the Quaker worthies, from Fox to Woolman, as a counterpart to the 'Ecclesiastical Sketches,' he adds,—

'Think of it; it would be better than a series of sonnets on "Eminent Bankers." I like a hit at our way of life, though it does well for me, better than any thing short of *all one's time to one's-self*; for which alone I rankle with envy at the rich. Books are good, and pictures are good, and money to buy them therefore good, but to buy *time*! in other words *life*!' 'Of time, health, and riches, the first in order is not last in excellence. Riches are chiefly good because they give us time.'

Alas, the period arrived when it came to be Lamb's turn to be his own master—the hardest master that he had yet served—worse than any of those subordinate personifications of 'The Company' who had tormented him of old. He had leisure now to give or sell. Time, which at a distance had looked to him like the flower, proved, when he came near, to be the serpent under it. In a letter, signed 'your forlorn Charles Lamb,' he tells Bernard Barton,—

'What I can do, and over-do, is to walk; but deadly long are the days, these summer all-day-days, with but half an hour's candle-light, and no fire-light. I do not write, tell your kind inquisitive Eliza, and can hardly read.' 'I assure you *no work* is worse than *over-work*. The mind preys on itself,—the most unwholesome food. I bragged formerly that I could not have too much time. I have a surfeit; with few years to come, the days are wearisome. But weariness is not eternal. Something will shine out to take the load off that crushes me, which is at present intolerable. I have killed an hour or two in this poor scrawl. I am a sanguinary murderer of time, and would kill him inchmeal just now. But the snake is vital.'

This has brought us to a painful part of our subject. It is melancholy to think that Lamb was not, on the whole, as happy as he deserved to be; and that, for this, he had probably himself principally to blame. Instead of retiring to enjoy health and independence—independence the most honourable, because self-earned—literary leisure, the company of friends by whom he was beloved, and, the deepest of all happinesses, that of ministering to the happiness of a sister whom he adored,—wherefore is it that Lamb retired on weariness, and self-reproach, and solitude? What is the meaning of his self-imposed abandonment of the

society of his friends? and of his positively shrinking from meeting with the oldest and dearest of them all, even Southey and Wordsworth, when they came to town? The reader will find the answer in the 'Confessions of a Drunkard;'—in the 'Farewell to Tobacco;'—and in the jocund views scattered over the present volumes of 'The After-Dinner Trick;' of 'Care 'Drowning Glorious Night,'—of sceptical dogmatical faces seen by punch-light, and of the ten pipes a-night of tobacco that staggered Parr. Then follow, in due season, the morning apologies for the confused and aching head; and the yearly resolutions of reforming, executed magnanimously, however partially, at last. A more fatal price was scarcely ever paid for these indulgences. Part of the price consisted of such self-accusations as made themselves a way, for instance, in a letter written to Miss Wordsworth during one of the illnesses of his sister.

'I try to think Mary is recovering, but I cannot always feel it; and mean-while she is lost to me, and I miss a prop. All my strength is gone, and I am like a fool, bereft of her co-operation. I dare not think, lest I should think wrong; so used am I to look up to her in the least and the biggest perplexity. To say *all that I find her*, would be more than I think any body could possibly understand; and when I hope to have her well again so soon, it would be sinning against her feelings to go about to praise her; for I can conceal nothing that I do from her. She is older and wiser, and better than me, and all my wretched imperfections I cover to myself by resolutely thinking on her goodness. She would share life and death with me. She lives but for me. And I know I have been wasting and teasing her life for five years past incessantly with my ways of going on. But even in this upbraiding of myself I am offending against her, for I know that she has cleaved to me for better, for worse; and if the balance has been against her hitherto, it was a noble trade.'

The following penitential letter to Mr Cary, the accomplished translator of Dante, and Lamb's Monthly Host at the British Museum, needs, and indeed admits of, no comment.

'I protest I know not in what words to invest my sense of the shameful violation of hospitality, which I was guilty of on that fatal Wednesday. Let it be blotted from the calendar. Had it been committed at a layman's house, say a merchant's, or a manufacturer's, a cheesemonger's, or greengrocer's, or, to go higher, a barrister's, a member of Parliament's, a rich banker's, I should have felt alleviation, a drop of self-pity. But to be seen deliberately to go out of the house of a clergyman drunk! a clergyman of the Church of England too! Not that alone, but of an expounder of that dark Italian Hierophant, an exposition little short of *his* who dared unfold the Apocalypse: divine riddles both; and, without supernal grace vouchsafed, arks not to be fingered without present blasting to the touchers. And then, from what house! not a common glebe, or vicarage (which yet had been shameful), but from a kingly repository of sciences, human and divine, with the Primate of England for its guardian, arrayed in public majesty, from which the profane vulgar are bid fly. Could all

those volumes have taught me nothing better? With feverish eyes on the succeeding dawn I opened upon the faint light, enough to distinguish, in a strange chamber, not immediately to be recognised, garters, hose, waistcoat, neckerchief, arranged in dreadful order and proportion, which I knew was not mine own. 'Tis the common symptom, on awaking, I judge my last night's condition from. A tolerable scattering on the floor I hail as being too probably my own, and if the candlestick be not removed, I assail myself. But this finical arrangement, this finding every thing in the morning in exact diametrical rectitude, torments me. Remote whispers suggested that I *coached* it home in triumph. Far be that from working pride in me, for I was unconscious of the locomotion. That a young Mentor accompanied a reprobate old Telemachus; that, the Trojan like, he bore his charge upon his shoulders, while the wretched incubus, in glimmering sense, hiccupped drunken snatches of flying on the bats' wing after sunset. An aged servitor was also hinted at, to make disgrace more complete, one, to whom my ignominy may offer farther occasions of revolt (to which he was before too fondly inclining) from the true faith; for, at a sight of my helplessness, what more was needed to drive him to the advocacy of independency? Occasion led me through Great Russell Street yesterday. I gazed at the great knocker. My feeble hands in vain essayed to lift it. I dreaded that Argus, who doubtless lanterned me out on that prodigious night. I called the Elginian marbles. They were cold to my suit. I shall never again, I said, on the wide gates unfolding, say, without fear of thrusting back, in a light but a peremptory air, "I am going to Mr Cary's." I passed by the walls of Balclutha. I had imaged to myself a zodiac of third Wednesdays, irradiating by glimpses the Edmonton dulness. I dreamed of Highmore! I am de-vited to come on Wednesdays. Villanous old age, that, with second childhood, brings linked hand in hand her inseparable twin, new inexperience, which knows not effects of liquor, where I was to have sate for a sober, middle-aged-and-a-half-gentleman, literary too, the neat fingered artist can educe no notions but of a dissoluted Silenus, lecturing natural philosophy to a jeering Chromius, or a Mnasilus Pudet. From the context gather the lost name of —."

Mr Talfourd, admitting the existence of this single frailty in his friend, replies to the great exaggerations current concerning it, by observing, that, although Lamb had rarely the power to overcome the temptation when presented, he made heroic sacrifices in flight. So far is just and reasonable. There are some things in which the prayer, 'lead us not into temptation,' is man's best security. But Mr Talfourd proceeds to say, that the 'frailty itself was so intimately associated with all that was most 'endearing in his intellectual, and sweetest in his moral excellencies, that it would be impossible, without noticing it, to do 'justice to his virtues.' To this doctrine of association we must demur. In all honest praise of Lamb,—in every thing that can be fairly said to vindicate his character, and to extenuate his fault or faults,—we rejoice from the bottom of our hearts. He

was born to be loved. But we cannot agree to build an altar for the enshrining of any theory of drunkenness,—even the drunkenness of Lamb. Every body is painfully aware that drunkenness is compatible with the highest order of genius and virtue. So much the worse; for we know also that it has a perilous tendency to ruin both. What ought to be the moral? Surely this, that the nobler the victim the more impressive the example. The characteristic of intemperance is, that it is the gratification of our animal, at the expense of our intellectual and moral nature. Accordingly, it is the characteristic vice of savage as compared with civilized nations; and in civilized nations, of the class which is left most savage. The first stage in intemperance is to place one's self in the rank of a barbarian; the last, in the condition of a brute. Mr Talfourd says, that 'drinking with Lamb, except as far as it cooled a feverish thirst, was not 'a sensual, but an intellectual pleasure.' Drinking, we answer, is not to be called an intellectual pleasure; because, when a man has once contracted the habit of excessive indulgence in the use of ardent spirits, and the 'accursed weed,' one of its most miserable consequences is, a slavish dependence on them,—not only of the body, but even of the mind. Subject to this sad exception, where the supposed mitigating symptom is the very heart and crisis of the disease, we are believers in the sobriety, quite as much as in the sanity of true genius. We have never known—never heard of a well authenticated instance of any man, not coming within the above melancholy limitation, who was better company (in the lowest sense of the word) drunk than sober. The issue we all know;—crowded jails; Sheridan a by-word, instead of perhaps Prime Minister of England; and Lamb the object of as much compassion almost as love. The case is too bad to afford of raising moral and intellectual associations in behalf of gin or brandy. The publisher has done right in reprinting the 'Confessions.' Lamb admits, in his letter to Southey, that the 'Confessions' were so far a genuine description of himself, that the injuring him in saying so consisted in the fact, that it might lead to the losing him his place in his public office, and the forfeiting his life insurance.

We have referred already to Mr Cottle's account of Coleridge. Lamb owed him much. Coleridge first enlarged his literary horizon. This took place in a little room at the 'Cat and 'Salutation' in Smithfield. Coleridge afterwards zealously encouraged his juvenile attempts in verse; and in due time gave him his friendship. Lamb repaid him with generous affection. 'I am living in a continuous feast' (he writes to Manning). 'Coleridge has been with me now for nigh three weeks; and the

‘more I see of him in the quotidian undress and relaxation of his mind, the more cause I see to love him, and believe him a *very good man*; and all those foolish impressions to the contrary fly off like morning slumbers.’

From the account given in the ‘Confessions,’ we presume that Lamb laid these sad habits, so destructive of his peace, at the door of Fenwick, and the like. Fenwick was a newspaper editor—the ‘Bigod’ of Elia. Lamb elsewhere calls him his *quondam* friend and co-drinker. It has destroyed our pleasure in the representative of ‘the great race’ to follow him with a wife and four children ruined to the Fleet. At the same time, we cannot but fear that Coleridge and Lamb had some reason to reproach each other. ‘Egg-hot’ and ‘Oronoko’ are too much mixed up with their poetical reminiscences of the ‘Cat and Salutation.’ We have no means of learning how far the greatest misfortune in their after-lives was to be attributed to the gratifications of their boyhood. In their instances, the misery and disgrace have been incurred. It remains for youthful genius to profit by the lesson. There may be some truths respecting which the wise and good will doubt how far they should be told. There can be no doubt here. One of the letters which we are about to quote was left by Mr Coleridge as a legacy to all who might be grievously tempted, as he had been himself. The whole, indeed, are greatly to the honour of his self-abused, but struggling and aspiring nature; and, duly laid to heart, may be more extensively and practically useful than all besides he ever wrote. The letters in question were written in 1814. The two first are addressed to Mr Cottle; the last to a Mr Wade. From the connexion between Lamb and Coleridge, which we have just described, they form a proper supplement to the case of Lamb; and, as few persons, we fear, are likely to see Mr Cottle’s book,* we think it desirable to give them a wider circulation, by transferring them to our pages. Mr Cottle, it appears, had heard of Coleridge’s habits; and to his kind remonstrance, Coleridge replies as follows:

‘You have poured oil in the raw and festering wound of an old friend’s conscience, Cottle! but it is *oil of vitriol*! I but barely glanced at the middle of the first page of your letter, and have seen no more of it—not from resentment (God forbid!) but from the state of my bodily and mental sufferings, that scarcely permitted human fortitude to let in a new visitor of affliction. The object of my present reply is, to state the case just as it is—first, that for ten years the anguish of my spirit has

* Cottle’s *Early Recollections*, chiefly relating to the late S. T. Coleridge.

been indescribable, the sense of my danger staring, but the consciousness of my guilt worse, far worse than all! I have prayed, with drops of agony on my brow; trembling, not only before the justice of my Maker, but even before the mercy of my Redeemer. "I gave thee so many" "talents—what hast thou done with them?" Secondly, Overwhelmed as I am with a sense of my direful infirmity, I have never attempted to disguise or conceal the cause. On the contrary, not only to friends have I stated the whole case with tears and the very bitterness of shame, but in two instances I have warned young men, mere acquaintances, who had spoken of having taken laudanum, of the direful consequences, by an awful exposition of its tremendous effects on myself. Thirdly, Though before God I cannot lift up my eyelids, and only do not despair of his mercy, because to despair would be adding crime to crime, yet to my fellow-men, I may say, that I was seduced into the accursed habit ignorantly. I had been almost bed-ridden for many months with swellings in my knees. In a medical journal I unhappily met with an account of a cure performed in a similar case (or what appeared to me so), by rubbing in of laudanum, at the same time taking a given dose internally. It acted like a charm, like a miracle! I recovered the use of my limbs, of my appetite, of my spirits—and this continued for near a fortnight. At length the unusual stimulus subsided—the complaint returned—the supposed remedy was recurred to;—but I cannot go through the dreary history. Suffice it to say, that effects were produced which acted on me by terror and cowardice, of pain and sudden death, not (so help me God!) by any temptation of pleasure, or expectation or desire of exciting pleasurable sensations. On the very contrary, Mrs Morgan and her sister will bear witness so far as to say, that the longer I abstained, the higher my spirits were, the keener my enjoyments—till the moment, the direful moment, arrived, when my pulse began to fluctuate, my heart to palpitate, and such a dreadful falling abroad, as it were, of my whole frame, such intolerable restlessness and incipient bewilderment, that in the last of my several attempts to abandon the dire poison, I exclaimed in agony, which I now repeat in seriousness and solemnity, "I am too poor to hazard this." Had I but a few hundred pounds, but 200—half to send to Mrs Coleridge, and half to place myself in a private mad-house, where I could procure nothing but what a physician thought proper, and where a medical attendant could be constantly with me for two or three months (in less than that time life or death would be determined), then there might be hope. Now there is none!! O God! how willingly would I place myself under Dr Fox in his establishment; for my case is a species of madness, only that it is a derangement, an utter impotence of the volition, and not of the intellectual faculties. You bid me rouse myself! Go, bid a man paralytic in both arms, to rub them briskly together, and that will cure him. "Alas!" he would reply, "that I cannot move my arms, is my complaint and my misery."—(*Cottle's Memoirs of Coleridge*, Vol. ii. p. 165.)

'Gladness be with you for your convalescence, and equally so at the hope which has sustained and tranquillized you through your imminent peril. Far otherwise is, and hath been my state, yet I too am grateful; yet I cannot rejoice. I feel with an intensity unfathomable by words, my utter nothingness, impotence, and worthlessness, in and for myself.

I have learned what a sin is, against an infinite imperishable being, such as is the soul of man. I have had more than a glimpse of what is meant by death and outer darkness, and the worm that dieth not—and that all the *hell* of the reprobate is no more inconsistent with the love of God, than the blindness of one who has occasioned loathsome and guilty diseases to eat out his eyes, is inconsistent with the light of the sun. But the consolations, at least the sensible sweetness of hope, I do not possess. On the contrary, the temptation which I have constantly to fight up against, is a fear, that if *annihilation* and the *possibility of heaven* were offered to my choice, I should choose the former. This is perhaps, in part, a constitutional idiosyncrasy, for when a mere boy I wrote these lines:—

“ Oh, what a wonder seems the fear of death,
Seeing how gladly we all sink to sleep;
Babes, children, youths, and men,
Night following night for three-score years and ten.”

‘ And in my early manhood, in lines descriptive of a gloomy solitude, I disguised my own sensations in the following words:—

“ Here wisdom might abide, and here remorse !
Here too, the wo-worn man, who weak in soul,
And of this busy human heart aweary,
Worships the spirit of *unconscious life*,
In tree, or wild-flower. Gentle lunatic !
If so he might not wholly cease to be,
He would far rather not be that he is;
But would be something that he knows not of,
In woods, or waters, or among the rocks.”

‘ My main comfort, therefore, consists in what divines call the faith of adherence, and no spiritual effort appears to benefit me so much as the one earnest, importunate, and often for hours, momentarily repeated prayer, I believe ! Lord, help my unbelief ! Give me faith, but as a mustard seed, and I shall remove this mountain ! Faith ! faith ! faith ! I believe, oh give me faith ! Oh, for my Redeemer's sake, give me faith in my Redeemer ! In all this I justify God, for I was accustomed to oppose the preaching of the terrors of the Gospel, and to represent it as debasing virtue, by the admixture of slavish selfishness. More see that what is spiritual can only be spiritually apprehended ; comprehended it cannot. Mr Eden gave you a too flattering account of me. It is true I am restored, as much beyond my expectations almost, as my deserts ; but I am exceedingly weak. I need for myself solace and refocillation of animal spirits, instead of being in a condition of offering it to others ; yet, as soon as I may see you, I will call on you.

‘ P.S. It is no small gratification to me, that I have seen and conversed with Mrs Hannah More. She is, indisputably, the first literary female I ever met with ; in part, no doubt, because she is a Christian. Make my best respects when you write.’—(Cottle, Vol. ii. p. 165.)

‘ Dear Sir,—For I am unworthy to call any good man friend—much less you, whose hospitality and love I have abused ; accept, however, my entreaties for your forgiveness, and for your prayers. Conceive a poor miserable wretch, who for many years has been attempting to beat off

pain, by a constant recurrence to the vice that reproduces it. Conceive a spirit in hell, employed in tracing out for others the road to that heaven from which his crimes exclude him! In short, conceive whatever is most wretched, helpless, and hopeless, and you will form as tolerable a fiction of my state, as it is possible for a good man to have. I used to think the text in St James, that "he who offended in one point, offends in all," very harsh; but I now feel the awful, the tremendous truth of it. In the one crime of Opium, what crime have I not made myself guilty of! Ingratitude to my Maker! and to my benefactors—injustice! and *unnatural cruelty to my poor children!*—self-contempt for my repeated promise—breach, nay, too often, actual falsehood! After my death, I earnestly entreat, that a full and unqualified narration of my wretchedness, and of its guilty cause, may be made public, that, at least, some little good may be effected by the direful example! May God Almighty bless you, and have mercy on your still affectionate, and, in his heart, grateful.—(Cottle, Vol. ii. p. 185.)

Alas for the evils to which humanity is heir; and the manifold temptations to which every form of it—each after its own infirmity—is exposed! We may be strong or weak—some one way; some another. But, surely, enough is here to warn the pure and confident of the madness of dispensing with a single aid towards virtue; and to teach the hardest amongst us the generous necessity of charity and forbearance.

A poetical tribute from Mr Wordsworth, in honour of the memory of their common friend, closes a work for which all lovers of literature and goodness have to return to Mr Talfourd their best thanks. As long as new combinations of the feelings and imagination allow of the birth, from time to time, of people as unlike their predecessors as Charles Lamb, the most distant generations will not have to grumble at the wits who have said all their good things before them. There will still be left something 'new under the sun.' It will scarcely be, however, in our time we are afraid, that a writer so original, both in his pathos and his humour, is destined to appear. If Lamb has not put a new face upon an old acquaintance, and raised this world of ours one degree nearer fairy-land, yet he has helped us to a new way of looking at it, and furnished us with fresh elements of enjoyment. We see for the time with his eyes, and feel with his feelings. We follow him as we follow Shakspeare's sweet creations,—of the outward circumstances of whose existence we know but little; but with whom we are admitted into the recesses of their buoyant nature—have leave to revel in their happy thoughts and their sunny diction—and are carried along by them, at one minute, into their festal scenes of most excellent fooling, at the next, into their 'As you Like it' woods, and to a melancholy compounded of many simples.

ART. II.—*Documents and Records, illustrating the History of Scotland, and the Transactions between the Crowns of Scotland and England.* Preserved in the Treasury of Her Majesty's Exchequer. Collected and edited by SIR FRANCIS PALGRAVE. 8vo. London : 1837. Volume First.

IT is not our intention to justify the proceedings of Edward I. towards the Scotch. The miseries he entailed for centuries on our countrymen were such that no Scotsman can speak of him with calmness, or draw his character with impartiality. But the bitterest foe is entitled to justice ; and, we must confess, the documents before us afford an excuse for much of what has been deemed most culpable in his conduct. The greatest, though not the most accurate or careful of our historians, represents him as having, with the deepest dissimulation and most egregious breach of trust, deceived the confidence of the Scotch, who, allured by the excellence of his reputation, had made him arbiter of their differences, and unwarily placed themselves in his power. Mr Hume tells us, that Edward, having been invited by the Scottish Parliament to decide between the competitors for the throne of Scotland, assembled the Scotch nobility at Norham on that pretence ; and having first collected a powerful army to overawe the refractory, that he there unexpectedly advanced his pretensions to the Superiority of Scotland, and required them to acknowledge him as Lord Paramount of the kingdom. Part of this story has been already refuted by a Scottish historian. Lord Hailes has shown, and the fact is undeniable, that when Edward met the Scotch nobility at Norham he had no troops with him, and could not therefore intend to terrify them into a recognition of his title by apprehensions of immediate violence. But, though this aggravation of his supposed treachery has been rejected by the historian, Lord Hailes continues to represent the claim of Edward as having been wholly unexpected by the Scots. ‘ The whole assembly,’ he tells us, ‘ stood motionless and silent,’ and craved delay (which was granted reluctantly), that they might consult together. ‘ This unexpected demand,’ says another historian, ‘ struck dismay and embarrassment into the hearts of the Scotch assembly.’ That the demand was not unexpected by a large portion of the assembly—that their silence and dismay arose from no surprise at a claim, which some of themselves had suggested, and which all, or the greater part of them, had most probably foreseen—is proved beyond the possibility of doubt by the documents before us. It is singular, that, after so many ages

of unmerited abuse, the fame of one of the greatest of the English kings should at length be vindicated by documents, which have been all the while quietly reposing in the Chapter-House at Westminster, where they had nearly mouldered into dust, when, in the last stage of decay, they were rescued from destruction by the zeal and diligence of Sir Francis Palgrave. What stronger proof can be given of the urgency of a careful examination of our ancient records, in order to supply the defects and correct the errors of chroniclers and historians! What better answer to the vulgar spirit of economy that would suffer all the memorials of bygone times to perish, rather than expend the merest trifle for their preservation!

The first of these documents* is an appeal preferred to the Guardians of Scotland, in name of the seven Earls and Community of that kingdom. After stating that the throne of Scotland has been vacant since the death of Alexander, and alleging that, by the immemorial laws and usages of the kingdom, it is the right of the seven Earls and Community of Scotland, when the throne is *de jure* and *de facto* vacant, to appoint a king, and place him in his royal seat, and invest him with the honours of royalty, the instrument goes on to declare, that lest William, Bishop of St Andrews, and John Comyn, who hold themselves to be Guardians of Scotland, and act as such, with that portion of the community which adheres to them, should of their own authority appoint a king, without regard to the rights of the seven Earls and Community of Scotland, the said Earls—of whom the son of Duncan, late Earl of Fife, is one—in their own names and in the names of the bishops, abbots, priors, earls, barons, freeholders, and community of Scotland, appeal by their procurator, regularly constituted for that purpose, to the authority and protection of Edward, and of the royal crown of England, against any interference in the government of Scotland, to the prejudice of their rights, by William, Bishop of St Andrews, John Comyn, or John Baliol; and place themselves, their adherents, kindred and effects, movable and immovable, under the special guard and protection of Edward and of the English crown. They further pray for reparation of sundry wrongs and damages done to them by the said Guardians since the death of Alexander.

A second document† contains a similar protest and appeal, in name of Donald, Earl of Mar, one of the seven Earls, and in name of the freemen of Moray, against a military execution perpetrated in the district of Moray, under authority of the said Guar-

* No. IV. 1.

† No. IV. 2.

dians, by subguardians of their appointment; and concludes, like the other paper, by placing the Earl of Mar and the men of Moray under the protection of Edward and of the English crown.

The third document* is an appeal to the same authority in the name of Robert Bruce, Lord of Annandale, styling himself the lawful, true, and acknowledged heir of the Scottish crown; and complaining, that though he has propounded and offered to prosecute his claim to that dignity, the said Guardians and their abettors, without regard to his rights, or to those of the seven Earls, intend and propose to raise John Baliol to the throne; for which reason he appeals to Edward, and to the English crown for judgment thereon, which, from the said Guardians, he will not accept; submitting himself and his adherents, and the seven Earls in particular, to the protection and defence of Edward and of his royal crown. To this last appeal is annexed a memorandum, setting forth the pretensions of Bruce to the throne of Scotland.

There is still a fourth paper,† written in French, the others being in Latin, with no name annexed to it, in which it is argued that King Richard had no right to release the King of Scotland from the homage he had rendered for his kingdom to the crown of England; concluding with an intimation, through a private and confidential agent, that if the King of England will demand his right according to law, the author of the note will aid and obey him, with all his friends and kindred. The author of this note, Sir Francis Palgrave conjectures to have been one of the competitors for the Scottish crown, most probably Bruce. It is in perfect accordance with his appeal.

With these documents before us, it is idle declamation to lament the situation to which the Scottish nobles were reduced at Norham; or to represent them as totally unprepared for the demand of Edward that they should acknowledge his claim as superior and Paramount Lord of Scotland. Bruce, at least, and his accomplices, had no reason for surprise, dismay, or embarrassment. They had suggested the claim, and appealed in private to the authority they were there called upon to acknowledge in public. To some of the partisans of Baliol the appeals of Bruce and his adherents might have been unknown. But, if the statements in the instruments of appeal be correct, they must have been communicated to the Bishop of St Andrews and to Comyn; and if known to them, most probably they were imparted to their friends. All ought to have been prepared for the

* No. IV. 3.

† No. V.

claim of superiority ; and if the spirit of Wallace had breathed in this assembly of nobles, the demand of Edward would have been instantly and indignantly rejected. But it required experience of foreign bondage to rouse that flame which finally triumphed over Edward and his successors.* Had our forefathers yielded, as the Irish did, to the yoke of England, or contented themselves, like them, with a rude and savage independence in the recesses of their mountains and morasses, we might at this day have been petitioning for an equality of rights with the more fortunate inhabitants of the south ; or with indignation heard ourselves stigmatized as aliens, unworthy of the same privileges.

It is not difficult to discern the motive for these appeals. It is clear that two of the Regents and their adherents, constituting probably a majority of the nation, were inclined to prefer Baliol as the lawful heir, or fittest successor of the Scottish crown ; and that Bruce and his partisans, forming a minority of the kingdom, appealed to Edward from a consciousness of their own weakness, and, to conciliate his favour, were ready to sacrifice the independence of their country. Edward listened to their appeal so far as suited his own interest. He asserted, and so far as the recognition of a recreant nobility could effect it, he established the superiority of the English over the Scottish crown. Having attained that object, he seems to have proceeded with fairness in his adjudication of the kingdom. He appointed a numerous and impartial

* Barbour has expressed with equal spirit and feeling the misery and oppression of Scotland under Edward ; and concludes with a passionate exclamation which for centuries found an echo in every Scotsman's bosom.

“ A ! fredome is a noble thing !
Fredome mayss man to haiff liking ;
Fredome all solace to man giffis :
He levys at ess that frely levys !
A noble hart may haiff nane ess,
Na ellys nocht that may him pless,
Gyff fredome failyhe : for fre liking
Is yharnit our all othir thing.
Na he, that ay has levyt fre,
May nocht know weill the propyrté,
The angry, na the wrechyt dome,
That is cowplyt to foule thyrdome.
Bot gyff he had assayit it,
Than all perquer he suld it wyt ;
And suld think fredome mar to pryss,
Than all the gold in warld that is.”

tribunal to examine the claims of the different competitors, and acquiesced in its decision. The traitor who had first tempted him to assert a right to which he had no just pretension was deprived of the expected fruits of his treason; and but for the spirit and military talents of his grandson, he would have left a name as odious in Scotland as that of the weak and unfortunate Baliol.

How far the party of Baliol had dipped in similar intrigues with Edward does not appear. No evidence against them has come to light. Fraser, Bishop of St Andrews, has been vilified as a traitor and creature of Edward, because he wrote a letter to that prince on the first rumour of the Queen's death, advising him to confer with John Baliol, if that nobleman presented himself before him, so that in all events his own honour and interest might be attended to; and urging him strongly, if these sinister reports should be confirmed, to repair instantly to the Borders in order to give confidence to the people of Scotland, and enable them, without effusion of blood, to fulfil their oath by placing the rightful heir on the throne, 'provided always, that he is a person 'willing to abide by your counsel.'* When it is considered that Fraser was one of the commissioners preparing to set out for Orkney to meet the young Queen, and convey her to her bridal, that he was friendly to the English alliance and highly satisfied with Edward's professions and past conduct towards Scotland; the concluding sentence, which is the only ambiguous part of his letter, will admit of an interpretation in no respects injurious to his character. Whatever misfortune might disturb the projected matrimonial alliance between the two kingdoms, he was desirous they should remain, as they had done for many years, in friendship and peace; and justly thought that a disposition to preserve amicable relations with England, ought, in the vagueness and uncertainty of the Scotch law of succession, to be one, and not the

* *Fœdera*, i. 741. Hailes does not understand 'what is meant by *the* 'oath here mentioned.' It evidently refers to the marriage articles between young Edward and Margaret, which had been ratified by oath on both sides.

We cannot adopt Sir Francis Palgrave's strained interpretation of the expression—*dum tamen ille vestro consilio voluerit adherere*—nor yet accept the vague translation of Hailes, 'provided always that he is willing to follow your counsel.' The words seem to us to convey more than is allowed by the one, and less than is assumed by the other. We should be inclined to render the clause in question,—provided he will abide by your counsel, that is to say, adhere to the policy you have hitherto pursued.

least important, consideration in the choice of his future sovereign. Had not the selfish ambition of Bruce interposed, it is probable that the pacific views of the bishop might have been realized ; and the tranquil Baliol, raised to the throne without the sacrifice of national independence, might have maintained the same friendly intercourse with Edward, which for the last fifty years had so happily subsisted between the two countries. The rivalry of Bruce defeated this scheme, which, in the relative position of Scotland and England, was the best that could have been devised. Finding a majority of the Scottish nation, and more especially of the clergy, who were the most enlightened part of it, on the side of his competitor, Bruce, who seems to have been engaged in measures of violence during Margaret's life, adopted a new line of policy ; and, to gain Edward, whom he must formerly have offended, he made a voluntary oblation of that national independence, which Fraser, from his subsequent conduct, appears to have been most ardent to defend.

No man of that period has been more unjustly treated by the historians of Scotland than Fraser, Bishop of St Andrews. He has been described as a man of 'dark, intriguing spirit'—'watching over the interests of Edward with dark and dangerous policy'—'making a base proposal to him, and by his influence with the nobility inducing them to solicit the interference of the English King.' So much the reverse of these imputations was the truth, that in the really base and treasonable appeal of Bruce and his accomplices, Fraser, Bishop of St Andrews, is designated with John Comyn as the two Guardians, who, without reference to Edward and his pretensions, intended to raise Baliol to the throne of Scotland. But it was enough for historians, partial to the line of Bruce, to stigmatize Fraser without a colour of justice, that he was a partisan of Baliol. What we know of his subsequent life redounds to his credit. So far from profiting by his supposed treachery to Scotland, the favours he received from Edward during the first interregnum were few and inconsiderable ; while his rival, the Brucean Wisheart, the 'spirited Bishop' of Glasgow,—a lord, says the gossiping Wyntown, of *gret werty*, had gifts of money and other grants to a large amount. When the general indignation of his subjects compelled the feeble Baliol to renounce the submission he had sworn to Edward, the formerly pacific Bishop of St Andrews,—'the man entirely devoted to England,' was selected as one of the Scottish ambassadors to negotiate an alliance, offensive and defensive, with France, which he effected. He is said to have returned to Scotland after the subjugation of Baliol, and instead of hastening with the rest of his countrymen to propitiate the conqueror by timely submission, to

have gone back to France and died in exile. Such is the account of Spotswood;* but it is doubtful whether Fraser ever came back to Scotland after his embassy. In April, 1296, he had not returned; and on the 28th of August the temporalities of his see were still in the hands of Edward; nor does his name once occur in the 'Ragman Roll' of that year. Wyntown places his death at Paris in 1297. His successor, William Lamberton, was elected while Wallace was Guardian of Scotland, and his election was confirmed by Pope Boniface in June, 1298.

The admiration and gratitude of the Scots for the name of Bruce—their contempt and aversion for the name of Baliol—are natural and easy to be accounted for. The name of Baliol is associated with national degradation and misfortune—that of Bruce with national glory and success. Under Baliol they were the humble vassals of the English crown, and when they attempted to vindicate their independence, they were reduced to ignominious submission, and subjected to all the outrages and injuries which conquerors are apt to inflict on the vanquished. Under Bruce they recovered their courage, their spirit, and their honour; and, for the first and only period of their history, they carried their victorious arms with success into the heart of England, and struck terror into every English bosom. This contrast has led them as much to overrate the family of Bruce as to do injustice to the party of Baliol. No document has yet appeared which shows that Baliol took a prominent part in betraying the independence of Scotland. The appeal discovered by Sir Francis Palgrave, proves to a demonstration, that Bruce and his partisans invited Edward to bring forward those pretensions, which cost both nations so dear, and involved them in rancorous hostility for more than two hundred years.

So far were the Scots from doing justice between the two competitors, that the few national histories they possess represent the elder Bruce as a stern, high-minded, uncompromising assertor of national independence, who might have had the crown assigned to him, if he had consented to hold it as the vassal of the English King. Fordun, Barbour, and Wyntown, all of whom flourished under the dynasty of Bruce, agree in the same story. They all represent Bruce as having had the first offer of the Scottish crown, and that it was only on his refusal to hold it in vassalage of England that Baliol was preferred. The documents brought to light by Sir Francis Palgrave show how completely these statements are devoid of truth. They exhibit Bruce and

* History of the Church of Scotland, 49, 50.

his partisans as the prompters and instigators of Edward in his attack on Scottish independence. It was by their suggestion he was induced to prosecute a claim, which, as far as Scotland proper was concerned, had no pretext or foundation whatever, except the submission of William the Lion, which was afterwards cancelled by Richard I. The wars, to which it gave rise, ended, not in the subjugation of the Scots, but in their acquisition of Lothian and Galloway, to which the Kings of England had ancient and not unplausible pretensions.

The hostility engendered by the unjustifiable pretensions of Edward was not of short duration. It was aggravated rather than appeased by the union of the two crowns; and though Scotland derived incalculable advantages from her connexion with a more free and civilized people, it continued unabated for many years after the union of the two kingdoms. It was reserved for our times to see the two nations united by a community of feeling as well as by a community of interest. It was not till the Scottish oligarchies had been extinguished by the Reform Bill that the people of Scotland were able to manifest to their brethren of the South their real character. By a singular dispensation of Providence, Scotland, over which the English kings so long attempted in vain to domineer, and Ireland, where for ages they exercised a narrow and oppressive tyranny, are now become the efficient auxiliaries of England in support of that free and generous policy, which it has been ever her pride and glory to maintain.

Sir Francis Palgrave, who considers Bruce to have acted honestly in his appeal to Edward, and to have frankly admitted the superiority of the English crown, endeavours* to reconcile this acknowledgement with the speech attributed to him by the Continuator of Fordun, when Edward is supposed to have made him an offer of the Scottish crown. But the gloss he affixes to Fordun's forensic expressions will not bear examination, when tried by the test of Barbour, from whom the Continuator of Fordun has manifestly borrowed the whole story.† Edward's offer and Bruce's refusal, according to Barbour, were as follows—

‘ And to Robert the Brwyss said he;
Gyff thow will hold in chayff of me

* Introduction, xlix.

† Barbour appears to have composed ‘The Bruce’ in the reign of Robert II. The Continuator of Fordun flourished in the following century, and was well acquainted with the poem. Wyntown makes frequent extracts from it.

For evyrmore, and thine ofspryng,
 I sall do swa thow sall be king.
 Schyr, said he, swa God me save,
 The kynryk yharn I nocht to have,
 Bot gyff it fall of rycht to me,
 And gyff God will that it sa be,
 I sall als frely in all thing
 Hold it, as it afferis to king;
 Or, as my Eldris forouch me
 Held it in freyast rewaté.'

The whole story is probably a popular fiction, invented while the descendants of Bruce were kings of Scotland. But, unless Sir Francis Palgrave can make out that the *freyast rewaté* is consistent with the rank of *lænsman* or feudatory, he will find it difficult to reconcile the words of Barbour with his own hypothesis. Barbour's general expression—*gyff it fall of rycht*—has been converted by Bower into language that sounds technical and forensic—*per viam juris et fidelem assisam*—but without any warrant from his original; and, most probably, without the remotest idea that the last words would be tortured to mean the *verdict of a jury*.

It may be necessary to inform some of our readers that Sir Francis Palgrave holds Scotland to have been 'a member of the Anglo-Saxon empire,' governed by 'underkings,' and subjected to its 'overlord, the Basileus or Emperor of Britain.' We shall not enter further into the question than to remark, that we find nothing in the documents he has published to corroborate this opinion; and that some things we meet with rather tend to a contrary conclusion. In commenting, for instance, on the declaration* made to Alexander III., that the prorogation of his homage from Tewkesbury, where it had been originally proffered, to a later day in London, should not turn to his prejudice, Sir Francis Palgrave observes, with great probability, that 'the delay in the acceptance of the homage was in order that the Council might consider the terms upon which it was to be performed.' The terms of homage and fealty due from the King of Scots were, therefore, well considered on this occasion before they were accepted; but so far were they from containing any thing favourable to the English claim of superiority, that the keepers of the records in England, by direction, no doubt, of their superiors, had recourse to the fraudulent expedient of erasing the original words of homage, and substituting others in their place. The

* No. 9.

record is still extant,* and the fraud visible. What were the words erased cannot be known; but the nature of the erasure may be conjectured from the oath of fealty immediately following, which binds the King of Scots to no further obligations to the English monarchy than for the lands and tenements he holds of the King of England. Of what these lands and tenements consisted, or were held to consist, we have no full or exact information; but from documents published by Sir Francis Palgrave himself, we know that in the two northern counties alone they were of considerable value. He has published the rental and services due to Alexander from his estates in Cumberland and Northumberland, and has promised to give us, in his next volume, the rolls of the justices-itinerant employed by the Scottish Monarch in Tynedale.†

We shall now proceed to a constitutional question, of antiquarian curiosity at least, if not of present importance, to which the discoveries of Sir Francis Palgrave have given rise.

* Rot. Claus. 6 Edw. I. m. 5. d.—There is a discrepancy in the dates between the memorandum on the clause rolls and the declaration published by Sir Francis Palgrave, which we cannot satisfactorily explain. The memorandum states, that in the Parliament at Westminster on Michaelmas-day, Alexander, King of Scotland, appeared before King Edward, became his liegeman, and did him homage. The declaration informs us, that Alexander having proffered homage at Tewkesbury on the Sunday before the festival of St Luke the Evangelist, that is, on the 16th of October, the homage was postponed to a later day in London, the King not having his Council with him. The only conjecture we can form is, that the Parliament had been summoned to meet, and that it had actually met on Michaelmas-day—that it had been subsequently adjourned till after the middle of October—and that the business transacted after it met again was dated, as used to be the case with Acts of Parliament, on the day on which it was first assembled. It appears from a letter to the Bishop of Bath and Wells (*Fœdera*, i. 554) in the preceding March, that the place originally fixed for performance of the homage was London, and the day the quindene of Michaelmas (13th October). It is stated in the same letter, that Alexander had signified, by a solemn embassy to Edward, that he was ready to do homage, *absque conditione aliqua*. It appears, however, from the erasure and falsification of the record, that the terms in which it was expressed had not been satisfactory to the English monarch.

† No. 3, and Introd. viii.—The jurisdiction exercised by the King of Scots in Tynedale was not founded, as Sir Francis Palgrave seems to insinuate, on the same grounds as the jurisdiction he exercised in Lothian, but on the special conditions of the agreement between Alexander II. and Henry III. in 1237 (*Fœdera*, i. 233).

The first instrument of appeal professes to be delivered in the names of persons styling themselves, 'the Seven Earls of Scotland,' and claiming a right, which they have enjoyed from time immemorial, of supplying, in conjunction with the community of Scotland, any vacancy that occurred in the Scottish throne, that throne being *de jure* and *de facto* vacant. Sir Francis Palgrave is disposed to admit the truth and justness of this claim. He considers the seven Earls to have been 'a constitutional body,' distinct and 'severed from the rest of the estates of the kingdom,'—not possessing an 'electoral right' in the sense of Buchanan and other republican writers,—but forming a judicial body, which had authority, when the throne was vacant, to award it to the persons, who, by the usages and institutions of the monarchy, had the best right to it. On that point, we are at issue with him. We believe that no such constitutional body existed in Scotland; that in that kingdom, as in other Teutonic states, when the throne was vacant, it was filled up, either peaceably by the ordinary course of succession, with consent of the states; or irregularly by force and violence, with more or less semblances of a legal confirmation from the same authority.

We are far from denying the general position of Sir Francis Palgrave, that in the middle ages, as at present, elections were frequently made, and judicial determinations given by persons, variously chosen and appointed, acting in the name, and invested with the authority of larger and more numerous bodies of men. We admit also, to the fullest extent he can desire, that the succession to the Scottish monarchy was 'exceedingly vague and undetermined;' and that on every demise, the throne might almost be considered as, *de jure* as well as *de facto*, vacant. But we see no reason to believe that, in the absence of all other fixed rules, our barbarous ancestors had the foresight to establish a select body of seven Earls, and confer upon them the right to sit in judgment on competitors for the throne, and award it to the person who had the best right to it. When the crown was contested, as from the differences between the Celtic and Teutonic laws of succession, was frequently the case in Scotland, the decision, if not effected entirely by force, was probably left, as in the neighbouring countries, to the states of the kingdom; and by them determined according to the predominant interests and partialities of the moment.

We object to the theory of the seven Earls, because,

1. There is no other mention of such a constitutional body in any Scotch or English document of the eleventh or twelfth century, though the succession to the Scottish monarchy during a great part of that period was exceedingly irregular, and the devia-

tions from the direct course of descent very numerous. When Donald succeeded Malcolm Canmore—when Duncan dispossessed Donald—when Donald resumed the sceptre on the slaughter of Duncan—and when Donald was finally deprived of his crown and liberty by Edgar—we hear of foreign and domestic violence effectuating these revolutions, but no mention is made of the constitutional confirmation of any of them by the seven Earls. In the reigns of David, Malcolm, William, and Alexander II., we are told of insurrections in various parts of Scotland by pretenders, on one ground or other, to the throne; but we hear nothing of this college of Earls, who are supposed to have had judicial authority conferred upon them, by the immemorial law and custom of the monarchy, to put an end to these unhappy disturbances. It is in vain to say that we have no Scottish historians of that period, while there are so many English chroniclers, who treat minutely of the affairs of Scotland, and from none of whom, nor indeed from any document in existence, except those mutilated fragments of Sir Francis Palgrave, is an atom of information to be derived concerning this supreme and paramount body, the superintendents and conservators of the Scottish monarchy.

2. 'According to the earlier laws of succession,' says Sir Francis Palgrave, 'throughout Europe, the heir, whether lineal or collateral, possessed only an inchoate right to the throne, and which required recognition or confirmation by some competent authority to perfect its validity.' To this doctrine we readily subscribe; and applying it to Scotland, we find in various occasions, on the demise of a King, the formal recognition of his successor, not by the seven Earls, but by the prelates and nobles, who, as in other Teutonic nations, were called upon to exercise that privilege. On the death of Malcolm IV., the prelates and procures of the kingdom met at Scone, and appointed (*assumpserunt*) his brother William to be their King.* After William, his son Alexander II. was assumed or recognised as King by the Bishop of St Andrews, the Earls of Strathern, Athol, Angus, Menteith, Buchan, and many others of the three estates;† and on the demise of Alexander II. an assembly was held of Prelates, Earls, Barons and Knights, for the coronation of his son Alexander III., a boy not eight years old; and though a question arose, whether he ought to be crowned before he was knighted, it was not objected to the proceeding that there were seven Earls in the kingdom whose consent was previously necessary for his recognition.‡

* *Scotichronicon*, viii. 12.

† *Ib.* ix. 1.

‡ *Ib.* x. 1.

3. If we are to believe Hoveden,* a contemporary author of the highest credit, an attempt was made by William of Scotland to alter the succession to the Scottish throne. Despairing of issue male, he proposed to settle the crown on his daughter Margaret, to the exclusion of David Earl of Huntingdon, his brother. If ever there was an occasion, on which it might have been expected that the seven Earls of Scotland would have come forward and taken the prominent part that belonged to their station and privileges, it was in a case like this, when the law of succession was about to be changed. But of them and of their supposed prerogative we hear not a word. We are told that several persons were ready to acquiesce in the King's wishes; but that Earl Patrick and many others opposed them,—saying it was not the custom of Scotland to admit a female to the throne, while there was a brother or a nephew of the reigning King that had a right to it. Was Earl Patrick, it may be asked, one of the privileged peers, who, by immemorial custom, had the adjudication of the Scottish crown when it became vacant? Most certainly not. Earl Patrick was Earl of Dunbar—of recent establishment—a Saxon by descent—and totally unconnected with ancient Albania and its institutions.

4. The transaction that bears the nearest resemblance to a legal adjudication of the Scottish sceptre, is the recognition of the Maid of Norway as presumptive heiress of the throne in the lifetime of her grandfather Alexander III. The record is still in existence, and contains the authority by which it was made. There is no mention in it of any select body, without whose concurrence, according to the theory we are now discussing, it could not have been valid. It is attested by all the Earls of Scotland, thirteen in number, and by twenty-five Barons; and the obligation it contains is placed, not under the safeguard of seven Earls, but of eleven Bishops.†

5. On the sudden and unexpected death of Alexander III. the custody of Scotland, which had been unprovided for, was not assumed by this supposed electoral body, but was committed by the states of the kingdom to two Bishops, two Earls, and two Barons; and on the death of the two Earls, it continued, till the decease of Margaret, in the hands of the two Bishops and two Barons, without a single Earl having been added to their number.

6. The community of Scotland having been informed that Edward had procured a dispensation from the Pope for the marriage of his son Edward with their young Queen the Maid of

* Savile, f. 430. b.

† Fœdera, i. 638.

Norway, expressed their approbation of the alliance by a letter addressed to him, not in the name of the seven dominant Earls, but in the names of the four Guardians of Scotland, and of ten Bishops, twelve Earls (the Earl of Fife being a minor), twenty-three Abbots, eleven Priors, and forty-eight Barons.*

7. We are told in one of the mutilated scraps saved by Sir Francis Palgrave from destruction, that when William of Scotland became the liegeman of the English crown for his kingdom of Scotland, the seven Earls became bound by oath to the King and to the crown of England, that if their King 'should ever in 'any wise refuse obedience to the King of England,' they should 'redress the same.'† Fortunately we have still preserved the original act of submission made by William the Lion to Henry II. of England. We find in it no mention of the seven Earls. We find in it, indeed, the obligation alluded to in the fragment; but it was an obligation contracted, not by any particular body in Scotland, but by *all* the Bishops, Earls, and Barons of the kingdom.‡ Yet, such is the blindness of system, in minds even the most acute and intelligent, that this very false allegation is quoted by Sir Francis Palgrave|| as one of the proofs of his theory, that there were seven Earls in Scotland, forming a distinct body, and severed from the rest of the estates of the kingdom.

8. That Bruce himself affixed a different meaning from Sir Francis Palgrave to the appeal, and to the other instruments where the seven Earls are mentioned, is apparent from the statement he has given of his recognition as presumptive heir of the crown in the lifetime of Alexander II. Supposing the seven Earls to have been a constitutional body, invested with the privileges attributed to them by Sir Francis Palgrave, a stronger case cannot be imagined for their interposition than the adjudication of a doubtful right to the crown. But who were the persons assembled by Alexander II. to determine that question? Not the seven Earls alone, but the *nobiles et magnates regni Scotiæ*, with the Bishops, and as many clerks and laymen as he could bring together.§ By whose assent was Bruce on that occasion declared presumptive heir of the crown? Not by judgment of the seven Earls, but *par comun assent des Evesques, Contes, et de son Barnage*.¶

From these petitions of Bruce, it seems to us clear that he did not, like Sir Francis Palgrave, understand, by the seven Earls of Scotland, a separate body, distinct from the rest of the com-

* *Fœdera*, i. 780.

† No. V. and Introd. xix.

‡ *Fœdera*, i. 91.

|| Introd. xxxv.

§ No. IV. 4.

¶ No. VII. 7.

munity, and invested with privileges in which the other Earls did not participate; but that the seven Earls of the appeal, whose rights he proclaims, were the Earls of his own party, or the Earls assumed to be of his own party, who formed a majority of the Scottish Earls, and against whose wishes and inclinations two of the Guardians and their adherents were disposed to raise John Baliol to the throne. Looking to the subsequent proceedings in this competition for the Scottish crown, we find among the nominees, and consequently partisans of Bruce, five Earls, viz.—the Earls of March, Mar, Menteith, Athol, and Lennox; and, adding to them his own son, the Earl of Carrick, and the Earl of Fife (a child only five years old), who is expressly mentioned as one of the seven appellants—we have the mystic number completed, and the illusion of our modern theorists dispelled. Among the nominees of Baliol, we have four Earls, viz.—the Earls of Angus, Buchan, Ross, and Strathern; none of whom can be supposed to have joined in the appeal against their own candidate. The Earls of Caithness and Sutherland appear to have taken no part in the competition. The seven Earls who appealed must therefore have been those we have enumerated as adherents of Bruce, with the addition of the Earl of Fife, whose infancy ought to have precluded him from taking part in any public proceeding, but whom they nevertheless assumed as one of their number, to give them the semblance of a majority of Earls. But did the six Earls who really espoused the interests of Bruce possess the most ancient earldoms, to which, if to any, this immemorial right must have been attached? Were the partisans of Baliol, and the neutrals, mushroom Earls who had sprung up since this great constitutional privilege had been attached to the others? By no means. Among the partisans of Bruce were the Earls of March and Carrick, neither of whom derived his title from Scotland proper. Among the friends of Baliol was the Earl of Strathern; and among the neutrals, the Earl of Caithness, who held two of the most ancient earldoms in Scotland. In no point of view will the system of Sir Francis Palgrave bear the test of examination. Of the seven most ancient Earls who derived their titles from ancient Scotland, one was neutral, two were partisans of Baliol, one an infant, though his name be improperly inserted in the appeal, and only three adherents of Bruce.

An attempt has been made to bolster the theory of the seven Earls by the help of Cruithne, or Cruithen, father of the Picts, and his seven sons, who ruled over and gave their names to the seven provinces into which Scotland proper was anciently divided;—a division still existing, it is pretended, in the twelfth cen-

tury. Of Cruithen, or Cruithne, and his seven sons, we shall say nothing; but, on the supposed division of Scotland into seven provinces in the twelfth century, we may be permitted to remark, that the venerable Andrew, Bishop of Caithness, from whom this intelligence is supposed to come, did not inform the anonymous reporter of the story, that Scotland was divided in his time into seven provinces, but that it was so divided in the days of Cruithne, and his sons, who had flourished more than 1000 years before.* Sir Francis Palgrave, to do him justice, makes no farther use of this piece of history, than to remark,† in support of his theory, that ancient Albania was divided into seven provinces; and to quote a legendary tale of St Andrew appearing to Ungust, King of the Picts, as he was a-walking, *cum septem comitibus amicissimis*.‡ But, when he adds that ‘a portion of the earldom, whom it is scarcely possible to consider as being other than the seven Earls, endeavoured to execute judgment of forfaulter against Malcolm IV., and to place another Sovereign on the throne,’ we suspect that he has not consulted with his usual care the original authorities for the transaction to which he alludes. On the return of Malcolm IV. from Toulouse, where he had served in the army of Henry II. of England, Earl Fereteaht, or Feretach, and five other Earls, offended with him for the subservient part he had acted under the English Monarch, besieged him in Perth, and attempted, but without success, to secure his person. Such is the brief account of this affair given by Hoveden and Melrose, the only contemporary authorities.§ The Earls engaged in it were not seven in number, but six. There was no judgment of forfaulter to be executed, but a conspiracy of discontented nobles, indignant with their King on account of his journey to France in the train of Henry II. of England. The Continuator of Fordun, who wrote 250 years afterwards, has engrafted on this outline the story of a threatening message sent to Malcolm at Toulouse, saying,—‘We will not have Henry to rule over us.’ But even Bower has not a word about a seventh Earl—of a judgment of forfaulter—or of any competitor with Malcolm for the Scottish throne. On the contrary, he acquits the conspirators of any selfish or traitorous intentions, and, to the scandal of Lord Hailes, he praises them for their zeal, *reipublicæ tuitione*. The insurgents having failed in their enterprises, the clergy interposed and reconciled

* Innes, 134. Append. Nos. I. II. † Intro. xxix.

‡ Pinkerton, I. 497. § Hoveden, Melrose, in 1160.

them with the King.* Wyntown, in relating the same story, mentions only six 'earls, or 'mayster-men,' as he calls them, engaged in the insurrection; but with 'Feretawche,' who seems to have been the leader of the conspiracy, he conjoins 'Gyllan-
'drys Ergemauche'†—cabalistic names, which have been transmuted into an unknown Earl of Ross, and into a son of William Fitzduncan, Lord of Craven, known in English provincial history as the 'Boy of Egremont,' who died in his nonage, and probably never set his foot in Scotland.

From No. VI. to No. XVIII. inclusive, the documents published by Sir Francis Palgrave consist of the petitions, pleas, and replications of Bruce and Baliol. These documents are in a very mutilated state, but they are curious and valuable. They supply some chasms in the Great Roll, and show with what care and subtilty the case was argued on both sides; affording, as the editor has justly remarked, an indirect proof of the confidence reposed by both parties in the fairness of the tribunal appointed to decide upon their claims. They give also some account, though from the decay of the MSS. a most imperfect one, of the acts of violence committed by Bruce and his turbulent adherents during the lifetime of Margaret. We have little doubt that a desire to efface the impression left by these outrages was one of the reasons which induced Bruce, with such criminal alacrity, to make his court to Edward, by sacrificing the independence of the Scottish crown; which, as a competitor for that dignity, he ought to have been the last to give up.

From No. XIX. to No. XLI. inclusive, we have mutilated fragments, from the returns to the circular writs, 'addressed to
'the cathedrals and principal monasteries throughout England,
'commanding them to search their chronicles and archives for
'all matters relating to Scotland, and to transmit them to the
'King under their common seals.' Sir Francis Palgrave pronounces a panegyric on Edward for the fairness of this enquiry; and lauds the monks and chapters for their honesty in not fabricating deeds of a more decided character than the extracts they produced. To us, the whole proceeding wears a suspicious character. If the Kings of Scotland had been liegemen of the English crown for their kingdom of Scotland, proofs of the fact could not have been wanting in the public archives of England; where, from the time of Richard and John, all acts of the government and proceedings even of the courts of law had been regularly enrolled. With regard to the evidence furnished by

* Scotichron. VIII. 4.

† Wyntown, VII. 7.

the monasteries and cathedrals, if we are to judge from the specimens we have here printed, which are chiefly extracts from well-known chronicles, it could have been of no historical importance had it been entire; and, reduced as it is at present to mere scraps and disjointed words or phrases, it is utterly worthless, and might have been omitted by the editor without the slightest loss to the public. The only variation we have met from our common histories which appears to us of the smallest value, is in the return from St Mary's Huntingdon, which makes Duncan, son of Malcolm Canmore, to have been slain by the Earl of Morifith (Moray) instead of the Earl of Mernis, as stated by Fordun and Wyntown. There was no Earl of Mernis in Scotland.

No. XLII. is a petition of Baliol for the remission of debts due by him, in his private capacity, to the English King; and No. XLIII. is a draft of the judgment pronounced against him when he was deprived of his crown.

From No. XLIV. to No. CVIII. are such of the instruments of homage and submission rendered by the Scotch nobility and gentry to Edward as are still extant in the Chapter-House. Besides correcting in many cases the readings of the Ragman Rolls, they supply some instruments not found upon those documents.

From No. CIX. to No. CLVIII. is a miscellaneous collection of documents relating to the affairs of Scotland during the latter years of Edward I. In the work itself they follow one another in nearly chronological order; and in the introduction they are classified and arranged under different heads by Sir Francis Palgrave, and illustrated with remarks. Some of these documents have considerable value, and throw much light on that distracted period of Scottish history.

Among these papers is a French version* of the letter addressed to the Pope by the Earls and Barons assembled in Parliament at Lincoln, which Sir Francis Palgrave has printed, as he tells us, 'on account of the contemporaneous explanation which it affords of the phraseology of the original.' In the original letter the kingdom of Scotland is said to have been *feodale ab antiquo* to the Kings of England, by which modern writers have understood that it was 'an ancient fief of the Kings of England;' and, arguing on that ground, they have contended 'against the validity of the English claims, because they did not find the English supremacy connected with a strict feudal

* No. CXVII.

'tenure.' In the French version of the letter preserved in the Chapter-House, the kingdom of Scotland is said to have been *féable d'auncienneté* to the Kings of England; an expression which the learned editor renders by 'dependent or tributary.' What ground he has for his translation of the word *féable*, and where he found that Scotland had been anciently tributary to the Kings of England, he has not told us. But we suspect that the conclusion he draws, that the English dominion over Scotland was 'one of a peculiar nature, a special tenure arising out of the ancient dependence of the Scottish Regulus upon the Anglo-Saxon Bretwalda, Basileus or Emperor, and not to be cramped' (and consequently not be enlarged) 'by arguments to be drawn from a later jurisprudence,' would have proved as little satisfactory to Edward as to Wallace. It was no such airy sovereignty that Edward claimed. The objects he had in view were of a more substantial nature. His repeated summonses to Baliol to appear in the English Parliament in reply to complaints of the denial of justice from his own subjects—his demand of military succours in his war with France—his mandate to the King of Scotland to lay an embargo on the shipping in the Scottish harbours—his directions to his vassal to fulfil truly the grants he had made to particular persons—show that it was no barren supremacy he coveted, but a real dominion over Scotland, with all the fruits and benefits arising from it.

There seem to us but two modes by which proof can be given that one kingdom is dependent on, or subject to another. There must be adduced either a direct acknowledgment of subjection by homage rendered for the dependent kingdom; or there must be the performance of such services as imply dominion in the superior, and subjection in the inferior state. In this case neither proof can be brought forward. That the Kings of Scotland did homage to the Kings of England, as the Kings of England did homage to the Kings of France, is admitted on all sides. But, for near two hundred years before the death of Alexander III., there had been no instance, nor pretended instance (the temporary servitude of William only excepted), where homage had been rendered for the kingdom of Scotland. If such an instance could have been adduced, why did not Edward bring it forward, instead of ransacking monasteries and cathedrals for the vague tales and anile fables of their recluse and credulous inmates? If such homage had been rendered before the captivity of William, why was it made one of the conditions of his release from prison that he should do homage *de regno Scotiæ*? If the remission of Richard did not cancel that obligation entirely, why is he said, by a con-

temporary historian,* to have by that act declared William and his successors *quietos ab ipso et regibus Angliæ in perpetuum de omni ligantia et subjectione de regno Scotiæ*? But, if there was no acknowledgment of homage for the kingdom of Scotland, were there no feudal services rendered to the English monarchs by the Kings of Scotland, which might be considered an equivalent for a direct recognition of homage? There were none; and if there had been a vestige of one, it would have been produced by Edward. But, if there was neither homage for the kingdom of Scotland, nor any feudal right exercised by the Kings of England in Scotland, what was the English supremacy over that kingdom? It was, as Sir Francis Palgrave justly terms it, 'of a 'very peculiar nature'—a tenure *in nubibus*—to which nothing but the power of Edward and the baseness of the Scotch nobility could have given, even for the shortest time, an actual and real existence.

That Edward would have rejected with scorn the limitations assigned by Sir Francis Palgrave to his rights over Scotland, we have not a doubt. It was not as Bretwalda, Basileus, or Emperor, that he claimed the obedience of the Scots, but as the feudal superior and Lord Paramount of Scotland. When Roger le Brabazon, his Justiciary, addressed them at Norham, he told them plainly that his master had convened them, *ut ipse tanquam superior et directus dominus dicti regni, per superioritatem et directum dominium hujusmodi, quod est suum, justitiam faciat universis*;† and demanded from them, in feudal language, their recognition of his superiority and direct dominion over Scotland. The language of Edward himself was not different from that of his Justiciary. When he directs his justices in the court of Common Pleas to receive writs from Scotland, he assigns as his reason, '*Quia regna Angliæ et Scotiæ, ratione superioris domini quod in eodem regno Scotiæ obtinemus, benedicto altissimo, sunt conjuncta*';‡ and in all his public acts after the convention at Norham he styles himself, in addition to his former titles, the superior or Sovereign Lord of Scotland. The claim of his Justiciary at Norham, and the addition he afterwards made to his royal title, explain the salvo under which he accepted the homage of Alexander, and ratified the marriage articles between his son Edward and Margaret. His claim was directed to no antiquated or visionary dignity, but

* Hoveden, 377, a Savile.

† *Fœdera*, i. 762.

‡ *Ibid.* i. 757.

to the feudal superiority of Scotland. As such it was made at Norham, and, however unfounded in right, as such it was accepted by the Guardians, competitors, and nobles of Scotland, and resisted by none till the intolerable yoke it imposed roused Wallace and the Scottish people to arms.

It is true that, in one of the petitions presented by Bruce, Edward is called by that nobleman his Sovereign Lord and Emperor; and that many a one of the Anglo-Saxon kings styled himself Basileus and Imperator. But, where these vain-glorious epithets had any meaning at all, they imported, not dominion over vassal kings, but the denial of subjection to any superior. They were declarations of independence, and nothing more. They proclaimed, not the assertion of authority over others, but exemption from the authority of any higher power. They were not peculiar to the Anglo-Saxon kings, but familiar to the petty princes in Spain and other parts who held themselves independent of the German and Byzantine emperors. As to the dignity of Bretwalda, we doubt whether it ever had a legal or permanent existence. It is a word unknown to Bede and to Alfred, and, as far as we have seen, it is to be found nowhere but in one solitary passage of the Saxon Chronicle, where it is used to designate those kings of the Heptarchy who, according to Bede, obtained for a time a predominant authority over the others. Of these dominant chiefs, Bede enumerates seven; three of whom were so far from possessing or claiming the sovereignty of Britain, that they are expressly said to have had no authority beyond the Humber; and to these seven, after an interruption of one hundred and sixty years, the author of the Saxon Chronicle adds Egbert as the eighth. We suspect the word Bretwalda or Bryten-wealda to have been the coinage of the Saxon chronicler; and the dignity itself, as implying the continual existence and acknowledged supremacy of some one of the Anglo-Saxon chiefs who had dominion over all the others, we believe to be a mere imagination of later times. From the death of Oswio to the final success of Egbert, there was nothing like unity among the Anglo-Saxon states. They were divided by the Humber into two distinct and unconnected political systems, which had few and transient relations, either of war or amity, with each other. At the head of the southern states was either Mercia or Wessex, but generally the former. Northumberland was engaged in frequent wars with Picts, Scots, and Britons of Strathclyde, and sometimes, but rarely, with the Mercians. With the more southern states Northumberland seems to have maintained hardly any relations but those of religion; and, falling at length a prey to intestine dissensions, it finally yielded, without resistance, to

Egbert. The superiority acquired by that prince over the other Anglo-Saxon kingdoms escaped from the hands of his successors ; and it was not till the complete subjugation of the Danish invaders, and coalition of the southern and northern states after the death of Edwy, that the whole of England was united in one monarchy. Nor was the union finally consolidated even then. It was dissolved for a time after the death of Canute, and can hardly be said to have had more than a nominal existence under the Confessor.

These facts are well known to Sir Francis Palgrave ; and yet he talks as familiarly of the ancient dependence of the Scottish Regulus on the Anglo-Saxon Bretwalda, as if there had been always a Bretwalda in existence to enforce or to receive it. An imaginary being is created to substantiate an imaginary right. It is clear, that while there was no Bretwalda there could be no dependence on a Bretwalda ; and from the preceding facts it appears that for 160 years there was no Bretwalda, and that a person might be styled Bretwalda who had no dominion north of the Humber. Celle, who is counted the first Bretwalda, so far from possessing the empire of Britain, seems never to have emerged from the east of Sussex, where he first landed ; and his greatest achievement seems to have been the destruction of Andredceaster, a British town in the adjacent weald. The pompous title of Bretwalda, bestowed on so insignificant a personage, seems to indicate, that it meant nothing more than the chief of the Anglo-Saxon chieftains ; and that it neither conveyed, nor was supposed to convey, any claim to the general dominion or sovereignty of the island.

Many attempts were made by the Normans and Plantagenets to extend their domination over Scotland, but though occasionally successful for a time, they were ultimately foiled ; and, for a hundred years before the death of Alexander, their efforts were reduced to harmless protests in times of amity, and to empty menaces on any appearance of war.

Sir Francis Palgrave is severe in his animadversions on the conduct of the Scottish Bishops. As religious men we do not vindicate these prelates for submitting to oaths which it is manifest they intended to violate on the first opportunity. But as citizens of an independent state, we cannot blame them for acting on the maxim, that to keep an oath of slavery is a greater sin than perjury. They saw their countrymen oppressed by foreigners, and felt it to be their first duty to relieve them from the yoke that galled them. That the oaths these prelates took were voluntary, it would require more than Edward's memorials to the Pope to convince us.

Among the memoranda preserved by Sir Francis Palgrave, there is one which confirms, if further proof were necessary, the share taken by Sir John Menteith in the capture of Wallace. To the servant who spied Wallace a recompense is given of forty marks, and sixty marks to be divided among those who assisted in making him prisoner. Immediately following, is a grant of one hundred pounds in land to Sir John Menteith; which there can be little doubt was made to him for his services on that occasion. It is certain that Wallace was betrayed into the hands of the English by persons in whom he had confidence; but we agree with Lord Hailes, there is no evidence that Menteith was, or professed to be *his friend*. Menteith was at that time sheriff of Dunbartonshire and constable of Dunbarton castle, and so high in favour with the English monarch, that in the mock Parliament on Scottish affairs held in London, his name, as one of the Scotch Commissioners, was substituted by the express command of Edward, in the place of Earl Patrick, who could not attend.* But though guiltless of treachery to Wallace, we must confess our concern that a person, rewarded for the sacrifice of one to whom his country is so greatly beholden, should have been ever admitted into favour by Robert the Bruce.

We cannot take leave of this volume without expressing our approbation of the clear and succinct analysis of its contents given in the introduction. In this, as in the former publications edited by Sir Francis Palgrave, he may be censured by his enemies and detractors for the large and extensive commentary he has annexed to the original papers he has printed. We feel, on the contrary, greatly obliged to him for the facilities he has afforded to his readers of profiting by the documents he has published. We are persuaded that nothing is more conducive to the progress of historical literature than such expositions of the materials of history as will attract, not mere antiquarians, but men of enlarged and cultivated minds to peruse them; and we are glad to see, that in the recent publications of the Record Commission, this practice has been very generally followed.

In his appendix, Sir Francis Palgrave has published, and in his introduction exposed, the forgeries of Harding, some of which seem to have deceived our most recent historians. These spurious documents appear to have been received by the English Government as authentic; and the falsifier was rewarded, though in his opinion inadequately, for his exertions. For what purpose he was countenanced, if not employed in this service, does not

* Ryley, 503. Parliamentary Writs, I. 160.

appear. James the First of Scotland was prisoner in England when Harding began his forgeries; and Henry V., to whom they were shown at Vincennes, seems to have been deceived into a belief that the deeds produced to him were genuine. Whatever may have been the original object of the English in the encouragement given to this impostor, they judged wisely, on reflection, that it was better to unite the royal families of England and Scotland by marriage, than to revive and prosecute obsolete claims which had been so often tried and defeated.

ART. III.—*Henrietta Temple, a Love Story*. By the Author of 'Vivian Grey.' 3 vols. 8vo. Second Edition. London: 1837.

Venetia. By the Author of 'Vivian Grey,' and 'Henrietta Temple.' 3 vols. 8vo. London: 1837.

THESE are works of more than ordinary pretensions,—both dealing with difficult and elevated themes; the former professing to represent the passion of love in its most sudden and poetical form; the latter attempting, with scarcely even the shadow of disguise, to delineate the characters of Shelley and Lord Byron. Were we to say that in these bold attempts Mr D'Israeli (for we suppose it is now needless to treat the author as an anonymous novelist) has entirely failed, we should be doing injustice to the talent, liveliness, and eloquence which both works not unfrequently display: were we, on the other hand, to say that he has produced any very finished, striking, or original picture, either of passion or character,—or realized in any high degree the ideal conception at which he seems to have aimed, we should be doing still greater injustice to the cause of good sense, consistency of character, and moderation of expression. The marks of crudity in the conception, and of haste in the execution, which are every where visible, are not indeed difficult to be accounted for, when it is kept in mind that both these novels, each consisting of the established number of three volumes, have made their appearance within a year; and, even if a more patient attention had been bestowed on the plan of the story, or the details of character and dialogue, we have the greatest doubt whether the result would have been such as to satisfy our idea of a good novel or romance. But unquestionably much which at present mars and impairs the effect of some of the best scenes—many overwrought

incidents and improbable changes of conduct in the characters—many redundancies, extravagances, and even vulgarities of expression, which seriously detract from the pleasure these volumes are calculated to afford,—might have been avoided by a more careful revision, and a little additional severity towards those *dulcia vitia* of style which seem to be the sin by which the author is most easily beset.

We have said that we doubt whether, even with all proper appliances, Mr D'Israeli could produce a really good work of fiction. He appears to us to want some of the most essential elements of a great novelist. The calm, the natural, the simply grand are not his field; the startling, the improbable, both in character and incident, have a dangerous charm for him; he moves forward, not with steady progression, but in hurried bursts, with strange impassioned movements; he does not possess, but is possessed by his imagination; excited himself, he involves the reader in the same atmosphere of turbulence;—hurries him forward without repose, and leaves him often at the end of some of his most striking scenes with the feeling of exhaustion. There is also a want of directness and reality about his passion; if he feels strongly, he has not the power of communicating a corresponding feeling to his readers; we perceive rather the reflection or shadow of feeling than the thing itself; and even after his most laboured passages, can at the utmost go no farther than Othello's exclamation, 'O well *painted* passion!' At least we can say, in all candour, that, with every wish to abandon our feelings to the impulses of the story, we have not, in the perusal of these novels, felt that emotion—that involuntary reciprocity of feeling of which every one is conscious in reading the works of the great masters of fictitious composition.

His passionate vein, too, such as it is, is not only too much prolonged, but is generally introduced too soon, and with too little preparation: ere we have time to get acquainted with the characters, we are expected to sympathize with the wildest bursts of excited feeling; and the natural consequence is, first, that our sympathies must, in the course of the three volumes, be more than once worn out; and next, that the writer, like a musician who commences in too high a key, and is unable to play up to his opening strain, often appears cold, languid, and unimpassioned towards his conclusion. Even the eloquence of these tales—for eloquence they do possess—is not so much the eloquence which springs from original thought or new illustration, as the eloquence of well-rounded sentences, and the dexterous applications of old imagery,—that eloquence, 'che spande di parlar si largo fiume;'—the 'limbs and flourishes'

of oratory, rather than its soul. Their philosophy, too, we think, upon the whole, is either not very new, or not very true; and too often enveloped in a veil of words, through which its real shape and aspect are scarcely discernible. But we should except from this general remark, some of his observations on the philosophy of love; the moral phenomena of which he has certainly studied with great care, and on which many of his observations are distinguished by novelty and fineness of discrimination, and embellished by much grace and beauty of expression.

The truth is, that Mr D'Israeli, in his '*Vivian Grey*,' chose at first, with very considerable tact and accuracy of perception, the precise department in which he was most fitted to excel—namely, the execution of rapid and dashing sketches of incident and character, unfettered by any close connexion or consistency; and that, though carrying into every thing he undertakes a portion of the same liveliness and cleverness of execution, he is obviously far less at home in the field of regular and systematic composition than in that fairy land of imagination, emancipated from all uneasy trammels of reality or probability, in which he chose in the outset to disport himself. He has himself characterised his '*Vivian Grey*'—the earliest of his works, at least the earliest with which we are acquainted—as 'a hot and hurried sketch as ever was penned; but like its subject—for what is youth but a sketch—a brief hour of principles unsettled—passions unrestrained, powers undeveloped, and purposes unexecuted?' A hot and hurried sketch undoubtedly it was; but, springing as it did naturally from the mind of the author, it exhibited the first forms which the creations of his mind assumed.—Bold, unstudied, almost audacious, both in conception and execution;—always piquing curiosity, even where it provoked criticism or roused opposition by the singularity or heterodoxy of its opinions; and now and then startling the reader by a thought either new in itself, or presented with some novelty of illustration, we must fairly avow that, with all its faults, it appears to us to be a much more readable production than either of the more regular and imposing performances on which it would appear Mr D'Israeli would be rather inclined to peril his fame. It did not indeed aim at very high objects, but what it aimed at it accomplished with considerable success. Within the sphere which its author had selected for the extravagant excursions of his fancy, he dashed about with a rapid, reckless freedom of movement, in itself not ungraceful or unattractive, and leaving an impression of mental vigour not yet applied to the fittest ends, but likely to effect much when controlled by maturer judgment, and the influence of better models than those from which his mind appears to have taken its first tone in fictitious composition;

—namely, the gloom of Childe Harold, and its sceptical philosophy of life, alternating with the wild gaiety and cynical mockery of Don Juan.

It is needless to recall to the recollection of those who have read 'Vivian Grey,' its improbability in plot, or its incongruity in character. In fact, it made no more pretension to probability than a nursery tale; all connexion between causes and effects, as they are usually found to exist in the world, was coolly set at defiance; marvels, moral, political, and physical, were heaped upon each other; the hero moved through difficulties and dangers, unheard-of scrapes, and moving accidents of the most portentous character, with the ease and coolness with which some knight of old passed through the innocuous and unsubstantial flames that surrounded the enchanted castles of Fairy Land. He has but to speak a few not very wise or wonderful words, and he achieves a political revolution; archduchesses sink into his arms almost at the first interview; consumptive young ladies confess their love, and expire at the same moment; the schemes of gamblers are baffled by his foresight and presence of mind; tornadoes which destroy every thing else, pass harmlessly by him; in short, he bears about him a charmed life, and a talisman before which all obstacles give way. That this is preposterous and absurd, is plain; the author himself does not attempt to disguise the incoherency of his materials; he shifts his scenes and incidents as rapidly, and with as little regard to connexion, as the showman does the slides of a magic lantern: nay, it is certain that some part of the amusement derived from the book arises from the extreme assurance and quiet composure with which the most improbable events, the most purely 'fantastical lies' are narrated. If the plan be thus fantastic, it could not be said that the characters were out of keeping with the plot. They were pushed not merely to the verge, but far beyond the boundaries of caricature: nay, frequently they were as incongruous and unintelligible as the distortions of Hoffman and Callott—English women of fashion rivalling the poisoning feats of Brinvilliers; fiddling, parrot-feeding prime ministers, with all the subtlety of Machiavel; mountebank servants, overflowing with sentiment and devotion; high-minded gamblers;—in short, an assemblage of strange inexplicable beings, which flit and grin and chatter about us like the visions that disturb the *ægri somnia*; or those monstrous combinations of forms with which Prince Palagonia chose to decorate his villa near Palermo.

With all its absurdities, however, the work was an amusing one, of which its popularity at the time was a sufficient proof. If Boileau's maxim was correct, that every manner is good

except the tedious, 'Vivian Grey' was a good novel. Of the subsequent productions of the author, with the exception of the volumes now before us, and the immediate successor of 'Vivian Grey,' entitled the 'Young Duke,' we know nothing. The 'Young Duke,' however, was altogether unworthy of Mr D'Israeli's reputation, and we pass over it without further comment.

In the two productions which form the subject of this notice, Mr D'Israeli's aim has been of a more ambitious cast than in his 'Vivian Grey.' He no longer contents himself with an avowed caricature, in which the most inconsistent elements may find a place, but professes to throw aside the fantastic, and to place us in the world of reality. He ventures into the field of the regular novel, and courts the ordinary standard of comparison and criticism applicable to such compositions. The startling improbability and accumulation of incidents which characterised his first youthful production have in a great measure disappeared; the plots are in fact rather meagre than otherwise; the characters few, and less violently and melo-dramatically contrasted; and the author, though with questionable success, has at least aimed at the production of a whole instead of a mere series of scenes, blending tragedy, comedy, and broad farce in a compound so eccentric as to defy the application of any critical laws. Yet much of the old leaven of extravagance adheres to them still, though it has been transferred from the incidents and characters to the *tone* of the feelings represented. In both these novels there is a strained, *false* vehemence of passion;—an obvious working up of situations for effect,—a wordiness and exaggeration in the language of feeling, which has in it something not a little theatrical and hollow, and altogether inconsistent with the excitement of any genuine emotion or sympathy. Mr D'Israeli pays too little attention to the relief afforded by contrast; he presses the springs of feeling till they lose their elasticity; he will not admit of resting-places of calmness and shade in the course of his narrative, but all is glare or gloom—his characters are either in ecstasy or despair. We will not deny that some of his situations are powerfully painted, and that he is occasionally dramatic and forcible in the language of feeling; but we are confident that no one can peruse either 'Henrietta Temple' or 'Venetia' without a strong feeling that the effect of these scenes of strong passion would have been greatly heightened had they been less frequently introduced, more gradually prepared, and less perseveringly dwelt upon.

'Henrietta Temple' is denominated 'a Love Story'—*par excellence*, we suppose, because the whole plot of the novel hinges on that passion. The general conception which Mr D'Israeli

seeks to embody is a fine and poetical one. His object is to paint the magic suddenness, the bewildering, the overpowering nature of a first passion in two beings of strong feelings, both educated under circumstances calculated to give to these feelings, when developed, a certain headlong and irresistible energy. The love which is here depicted is not that gradual feeling which only deepens into passion by time, and habit, and acquaintance; it is a fate, a destiny, the sudden awakening of a slumbering fire, which, kindled into life by an instantaneous and mysterious impulse, flames out at once into a wild and consuming glow. Under such a form the passion may indeed be rare in life, but this is undoubtedly the romantic, the truly poetical aspect under which it should be treated by the dramatist, the novelist, and the poet,—as a paramount and omnipotent feeling, before which all other feelings and duties and considerations give way, or rather in which they are silently centred and absorbed. This is the aspect under which it has been presented in the *Tempest*, and in *Romeo and Juliet*; in the *Wallenstein*, and *Maid of Orleans* of Schiller; in the *Tasso* of Goethe; in the *Bride of Lammermoor* of our own great novelist. Mr D'Israeli's idea then is a good one; but he has done much to impair its proper developement by the circumstances in which he has placed the hero of his story, at the supposed commencement of his passion. Ferdinand Armine is already engaged to his cousin—a lady, young, handsome, rich, amiable, tenderly attached to him; on his union with her depends the restoration of his house to its former dignity and importance; his father and mother look forward to it as the event which is to repay them for years of retirement and privation; but the son accidentally meets Henrietta Temple, the daughter of a retired diplomatist, who had settled in the neighbourhood of the old family-seat of the Armines; and from that moment all engagements, all ties of gratitude to his parents, or consideration for their long-cherished hopes and wishes—all concern even for the welfare of the fair one who has exercised this instantaneous influence over his destiny, are forgotten; and with a desperate selfishness he abandons himself to his passion, conceals from his new mistress the existence of his former engagement, betrays her into a confession of love, and a secret correspondence with him; in short, links her happiness and her destiny inseparably to his own, when she is suddenly awakened from her delusive dream of happiness by the accidental intelligence that the marriage with her rival is about to take place. This selfishness, dishonourable concealment, and disregard of former ties on the part of the hero, are utterly fatal to any real sympathy with the woes which his conduct accumulates upon his head. They are inconsistent with any ideal of *true* passion, which

always merges self in the happiness of the beloved object, and could never have permitted him to involve that being in the misery which he *foresees* from the first as the consequence of his rashness. This feeling, we say, intrudes itself in all the passionate scenes between the lovers, many of them certainly in themselves touching and beautiful. When we see Mr D'Israeli labouring in well-penned paragraphs to excite our sympathies for the distresses, and doubts, and anxieties of his hero, as the web of difficulties is beginning to thicken about him, our feelings rise up in arms against the attempt; we identify, in some measure, the author with his hero, receive his apologies with the doubt with which we listen to the moral apothegms of Joseph Surface, and are irresistibly disposed to view with an eye of suspicion his enthusiasm and his pathos, even where they find fitter objects for their exercise.

The same objection undoubtedly cannot be urged against the character of Henrietta Temple. She violates no vows in yielding to the first impulses of an unknown and irresistible feeling; but it seems to us that the depth and power of that feeling in her mind might have been quite as well indicated without so much strength of expression, or so profuse an expenditure of the commonplaces of tenderness. A genuine passion, such as that by which she is represented as actuated, would combine calmness with force,—perfect confidence in the beloved object, with timidity and caution in the expression of feeling. At any rate, if the case be otherwise, we cannot help thinking that a greater degree of *retenue*,—a more sparing use of terms of endearment, is becoming, when the language of lovers is to be transferred to the pages of a novel. Such conversations are said to be proverbially uninteresting save to the parties concerned; and so they certainly would be in fiction, were all the repetitions, the idle compliments, the commonplaces which mingle with them, to be set in a note-book with the particularity with which they have been introduced in the pages of Henrietta Temple. Mr D'Israeli may very naturally have thought many of the love dialogues of other writers stilted and artificial; but 'the simple-natural' also may be carried too far; and the 'silly 'sooth, that dallies with the innocence of love,' certainly does become somewhat luscious and lackadaisical when spread out before us in page after page of printed paper. For instance, the use or abuse of the word 'darling' becomes absolutely ludicrous. It is scarcely possible to open a page of Ferdinand Armine's conversations with Henrietta without stumbling on this affectionate term. 'Press me not to enter, darling' (vol. ii. p. 26); 'Ferdinand, darling, darling Ferdinand, be good, be kind' (vol. ii. p.

27); 'I love you, sweetest' (*ib.*); 'Good night, my Ferdinand; good night, idol of my soul. Nay, if you will, these lips indeed are yours!' This is pretty well for a space of *thirteen lines*! 'Darling, I bless you for these words' (p. 43). 'My darling, darling Henrietta!' (p. 44). 'Darling, darling Henrietta,' &c. (p. 45). We regret to find the lover's commonplace-book so ill furnished with terms of endearment; and cannot help thinking that Mr D'Israeli betrays not a little poverty of invention in the language of love. It may be easily imagined that the constant repetition of phrases such as these gives a sickly and *fade* character to the dialogue. The reader, feeling that he is in danger of being smothered with essences, and 'dying in aromatic pain,' either shuts the book, or hurries forward in search of something of a more common-sense, substantial, and masculine character.

But, amidst these blemishes, we have already said we occasionally meet with ingenious and original observations on this master passion, of which Mr D'Israeli seems so ambitious to be the expositor. The following is one:—

'The conversation of lovers is inexhaustible. Hour glided away after hour, as Ferdinand alternately expressed his passion and detailed the history of his past life. For the curiosity of woman, lively at all times, is never so keen, so exacting, and so interested, as in her anxiety to become acquainted with the previous career of her lover. She is jealous of all that he has done before she knew him, of every person to whom he has spoken. She will be assured a thousand times that he never loved before, yet she credits the first affirmation. She envies the mother who knew him as a child, even the nurse that may have rocked his cradle. She insists upon a minute and finished portraiture of his character and life.'—Vol. ii. p. 19.

This, too, seems a natural turn. The lady is speaking of letter-writing, and advising her lover to do that which gentlemen are seldom fond of—to *cross* his letters:—

'I shall never find the slightest difficulty in making it out, if your letters were crossed a thousand times. Besides, dear love, to tell the truth, I should rather like to experience a little difficulty in reading your letters, for I read them so often, over and over again, till I get them by heart, and it is such a delight every now and then to find out some new expression that escaped me in the first fever of perusal; and then it is sure to be some *darling* (!) word fonder than all the rest.'

There is truth of feeling and force of expression, if not much novelty of thought, in the following:—

'The magic of first love is our ignorance that it can ever end. It is the dark conviction that feelings the most ardent may yet grow cold, and that emotions the most constant and confirmed are, nevertheless, liable to change, that taints the feebler spell of our later passions, though

they may spring from a heart that has lost little of its original freshness, and be offered to one infinitely more worthy of the devotion than our first idolatry. To gaze upon a face, and to believe that for ever we must behold it with the same adoration; that those eyes, in whose light we live, will for ever meet ours with mutual glances of rapture and devotedness; to be conscious that all conversation with others sounds vapid and spiritless, compared with the endless expression of our affection; to feel our heart rise at the favoured voice; and to believe that life must hereafter consist of a ramble through the world, pressing but one fond hand, and leaning but upon one faithful breast;—oh! must this sweet credulity indeed be dissipated? Is there no hope for them so full of hope?—no pity for them so abounding with love?

‘And can it be possible that the hour can ever arrive when the former votaries of a mutual passion so exquisite and engrossing can meet each other with indifference, almost with unconsciousness, and recall with an effort their vanished scenes of felicity—that quick yet profound sympathy, that ready yet boundless confidence, all that charming abandonment of self, and that vigilant and prescient fondness that anticipates all our wants and all our wishes? It makes the heart ache but to picture such vicissitudes to the imagination. They are images full of distress, and misery, and gloom. The knowledge that such changes can occur flits over the mind like the thought of death, obscuring all our gay fancies with its bat-like wing, and tainting the healthy atmosphere of our happiness with its venomous expirations. It is not so much ruined cities, that were once the capital glories of the world, or mouldering temples breathing with oracles no more believed, or arches of triumph that have forgotten the heroic name they were piled up to celebrate, that fill my mind with half so mournful an impression of the instability of human fortunes, as these sad spectacles of exhausted affections, and, as it were, traditionary fragments of expired passion.’

We shall not attempt to extract any scene from this novel. Even in the work itself the scenes of passion take us somewhat by surprise, and overcome us like a summer cloud; but it would be doing great injustice to Mr D'Israeli, to present them without any preparation whatever. We shall therefore condense into a few sentences what we have further to add in regard to the plan and character of the novel.

The catastrophe appears to us to be violent and ill-prepared. Henrietta, on the discovery of the prior engagement of Ferdinand to his cousin, leaves England, with her father, for Italy, broken-hearted, and it is believed dying. Ferdinand is seized with a brain-fever, from which he recovers gloomy, despairing, and weary of existence. In Italy, Henrietta, touched by the kind and retiring attentions of a Lord Montfort, accepts his addresses, seems at last to respond to his affection, and returns to England his affianced bride. The lovers are again accidentally thrown together in London; Henrietta learns that Ferdinand, though guilty of

concealing his first engagement, had not swerved from his vows to her; it is evident the *veteris vestigia flammæ* are reviving in her heart; but she determines to fulfil her engagement to Lord Montfort; and her object now is, to unite Ferdinand to the cousin (Miss Grandison), to whom he had been first engaged. This plot, however, fails; both the lady and gentleman being equally persuaded that a union contracted under such circumstances was likely to be an ill-omened one. In this situation of matters what device remains to make two lovers happy? Why this: Lord Montfort instantly makes up his mind to resign Henrietta to her former lover, and to transfer his heart and hand to the forsaken cousin. The cousin who, up to the moment of the declaration, must have looked upon him as the intended husband of her friend, nevertheless accepts him *sans ceremonie*; and Ferdinand is released from a spunging-house in which he lies a disconsolate prisoner for debt, to receive the hand of his beloved, 'the richest heiress in England.' In short, the whole is wound up pretty much after the summary fashion which is so simply expressed by Puck: 'The man shall have his mare again, and all shall be well.'

Several of the subsidiary characters are happily drawn, particularly the mild, amiable Catholic tutor of the hero, Glastonbury, and the lively, light-hearted, but generous and kindly Count Mirabel,—a portrait *en beau*, we suppose, of the author's friend, Count D'Orsay, to whom, we observe, the novel is dedicated. Lady Bellair is a vivid sketch, as we understand, of a real character; but her bearing on the story is any thing but apparent. Both Levison and Mr Bond Sharpe are somewhat overdone, reminding us of the exaggerations of Vivian Grey.

We shall not long detain our readers with the second of Mr D'Israeli's novels, 'Venetia.' We do not think it would have been possible, by any talent, to have reconciled us to the subject. It seems altogether unwarrantable to intrude, as is here done, into the domestic life of a poet and his relatives, and to extract the materials of fiction out of events so recent and so melancholy; nay, not only to lay hands, in the most unsparing style, on the illustrious dead, but to paint for the amusement of the public, with sufficiently intelligible traits, the living. We detest this more than any other species of book-making. At what distance of time the melancholy incidents in the life of a great but erring man may become the property of the novelist, may be a matter of question; but few, we think, can doubt that it is still a little too soon to think of weaving three volumes out of the misfortunes of Byron, or the morbid peculiarities and too early fate of Shelley. Apart altogether from the taste and feeling of the

choice, there is something exceedingly injurious to the effect of a work of fiction in attempting the treatment of such a subject; we feel in its perusal an uneasy consciousness of a strange mixture of reality and falsehood, identity and difference, which is fatal to any continuous and undivided interest. The anticipation of the result, which we already foresee, leaves no room for our curiosity; or if the writer, in order to escape that difficulty, varies from the reality, we are immediately shocked by the want of truth, and the spell of interest is unpleasantly broken. We cannot find a stronger example of this than in the concluding scenes of this novel. The whole particulars of poor Shelley's death are elaborately worked up; the storm in the Bay of Spezzia—the loss of the boat, the search, and finding of the body—but along with Herbert (the representation of Shelley), Mr D'Israeli takes the opportunity of drowning Lord Byron at the same time, in the person of Lord Cadurcis, and thereafter marries the high-minded and disconsolate Venetia to cousin George Cadurcis, in whose good-humoured character we presume we are to trace the features of the present Lord Byron!

The best part of 'Venetia' is undoubtedly the first volume. The early education of Lord Cadurcis and of Venetia—the development of the poet's wayward, generous, impetuous, and overbearing character—and the growth in the mind of Venetia of that passionate love and admiration of her unseen and unknown father, are powerfully and most interestingly described; though not without a touch of that exaggeration from which the writer is seldom free, even in his most successful pictures. One specimen from this part of the book we shall extract. The following scene, with which we shall close this article, occurs as Lord Cadurcis is about to leave Cherbury, where Lady Annabel, the mother of Venetia, resides :—

' The dinner was rather gayer than might have been expected. The Doctor was jocular, Lady Annabel very lively, and Plantagenet excited by an extraordinary glass of wine. Venetia alone remained dispirited. The Doctor made mock speeches and proposed toasts, and told Plantagenet that he must learn to make speeches too, or what would he do when he was in the House of Lords? And then Plantagenet tried to make a speech, and proposed Venetia's health; and then Venetia, who could not bear to hear herself praised by him on such a day—the last day—burst into tears. Her mother called her to her side and consoled her, and Plantagenet jumped up and wiped her eyes with one of those very pocket-handkerchiefs on which she had embroidered his cipher and coronet with her own beautiful hair.

' Towards evening Plantagenet began to experience the reaction of his artificial spirits. The Doctor had fallen into a gentle slumber, Lady Annabel had quitted the room, Venetia sat with her hand in

Plantagenet's on a stool by the fireside. Both were very sad and silent. At last Venetia said, "O, Plantagenet, I wish I were your real sister! Perhaps, when I see you again, you will forget this." And she turned the jewel that was suspended round her neck, and showed him the inscription.

"I am sure when I see you again, Venetia," he replied, "the only difference shall be that I will love you more than ever."

"I hope so," said Venetia.

"I am sure of it. Now remember what we are talking about. When we meet again, we shall see which of us two will love each other the most."

"O, Plantagenet, I hope they will be kind to you at Eton."

"I will make them."

"And, whenever you are the least unhappy, you will write to us?"

"I shall never be unhappy about any thing but being away from you. As for the rest, I will make people respect me; I know what I am."

"Because, if they do not behave well to you, mamma could ask Doctor Masham to come and see you, and they will attend to him; and I would ask him too."

"I wonder," she continued, after a moment's pause, "if you have every thing you want. I am quite sure, the instant you are gone we shall remember something you ought to have; and then I shall be quite broken-hearted."

"I have got every thing."

"You said you wanted a large knife."

"Yes! but I am going to buy one in London. Doctor Masham says he will take me to a place where the finest knives in the world are to be bought. It is a great thing to go to London with Doctor Masham."

"I have never written your name in your Bible and Prayer-book. I will do it this evening."

"Lady Annabel is to write it in the Bible, and you are to write it in the Prayer-book."

"You are to write to us from London by Doctor Masham, if only a line."

"I shall not fail."

"Never mind about your handwriting; but mind you write."

At this moment Lady Annabel's step was heard, and Plantagenet said, "Give me a kiss, Venetia, for I do not mean to bid good-by to-night."

"But you will not go to-morrow before we are up?"

"Yes, we shall."

"Now, Plantagenet, I shall be up to bid you good-by; mind that."

Lady Annabel entered, the Doctor woke, lights followed, the servant made up the fire, and the room looked cheerful again. After tea, the names were duly written in the Bible and Prayer-book; the last arrange-

ments were made, all the baggage was brought down into the hall, all ransacked their memory and fancy to see if it were possible that any thing that Plantagenet could require was either forgotten or had been omitted. The clock struck ten; Lady Annabel rose. The travellers were to part at an early hour: she shook hands with Doctor Masham, but Cadurcis was to bid her farewell in her dressing-room, and then, with heavy hearts and glistening eyes, they all separated. And thus ended the last day!

' Venetia passed a restless night. She was so resolved to be awake in time for Plantagenet's departure, that she could not sleep; and at length, towards morning, fell, from exhaustion, into a light slumber, from which she sprang up convulsively, roused by the sound of the wheels of the post-chaise. She looked out of her window, and saw the servant strapping on the portmanteaus. Shortly after this she heard Plantagenet's step in the vestibule; he passed her room, and proceeded to her mother's dressing-room, at the door of which she heard him knock, and then there was silence.

' "You are in good time," said Lady Annabel, who was seated in an easy-chair when Plantagenet entered her room. "Is the Doctor up?"

' "He is breakfasting."

' "And have you breakfasted?"

' "I have no appetite."

' "You should take something, my child, before you go. Now, come hither, my dear Plantagenet," she said, extending her hand; "listen to me, one word. When you arrive in London, you will go to your guardian's. He is a great man, and I believe a very good one, and the law and your father's will have placed him in the position of a parent to you. You must therefore love, honour, and obey him; and I doubt not he will deserve all your affection, respect, and duty. Whatever he desires or counsels, you will perform and follow. As long as you act according to his wishes, you cannot be wrong. But, my dear Plantagenet, if by any chance it ever happens, for strange things sometimes happen in this world, that you are in trouble and require a friend, remember that Cherbury is also your home; the home of your heart, if not of the law; and that not merely from my own love for you, but, because I promised your poor mother on her deathbed, I esteem myself morally, although not legally, in the light of a parent to you. You will find Eton a great change; you will experience many trials and temptations; but you will triumph over and withstand them all, if you will attend to these few directions. Fear God; morning and night, let nothing induce you ever to omit your prayers to him; you will find that praying will make you happy. Obey your superiors, always treat your masters with respect. Ever speak the truth. As long as you adhere to this rule, you never can be involved in any serious misfortune. A deviation from truth is, in general, the foundation of all misery. Be kind to your companions, but be firm. Do not be laughed into doing that which you know to be wrong. Be modest and humble, but ever respect yourself. Remember who you are, and also that it is your duty

to excel. Providence has given you a great lot. Think ever that you are born to perform great duties.

“God bless you, Plantagenet!” continued her ladyship, after a slight pause, with a faltering voice—“God bless you, my sweet child! and God will bless you, if you remember him. Try also to remember us,” she added, as she embraced him, and placed in his hand Venetia’s well-lined purse. “Do not forget Cherbury and all it contains; hearts that love you dearly, and will pray ever for your welfare.”

Plantagenet leant upon her bosom. He had entered the room resolved to be composed, with an air even of cheerfulness, but his tender heart yielded to the first appeal to his affections. He could only murmur out some broken syllables of devotion, and almost unconsciously found that he had quitted the chamber.

With streaming eyes and hesitating steps he was proceeding along the vestibule, when he heard his name called by a low sweet voice. He looked round; it was Venetia. Never had he beheld such a beautiful vision. She was muffled up in her dressing-gown, her small white feet only guarded from the cold by her slippers. Her golden hair seemed to reach her waist, her cheek was flushed, her large blue eyes glittered with tears.

“Plantagenet,” she said——

Neither of them could speak. They embraced, they mingled their tears together, and every instant they wept more plenteously. At length a footstep was heard; Venetia murmured a blessing, and vanished.

Cadurcis lingered on the stairs a moment to compose himself. He wiped his eyes; he tried to look undisturbed. All the servants were in the hall; from Mistress Pauncefort to the scullion there was not a dry eye. All loved the little lord, he was so gracious and so gentle. Every one asked leave to touch his hand before he went. He tried to smile and say something kind to all. He recognised the gamekeeper, and told him to do what he liked at Cadurcis; said something to the coachman about his pony; and begged Mrs Pauncefort, quite aloud, to take great care of her young Mistress. As he was speaking, he felt something rubbing against his hand: it was Marmion, the old blood-hound. He also came to bid his adieus. Cadurcis patted him with great affection, and said, “Ah! my old fellow, we shall yet meet again.”

The Doctor appeared, smiling as usual, made his enquiries whether all were right, nodded to the weeping household, called Plantagenet his brave boy, and patted him on the back, and bade him jump into the chaise. Another moment, and Doctor Masham had also entered; the door was closed, the fatal “All right” sung out, and Lord Cadurcis was whirled away from that Cherbury where he was so loved!

ART. IV.—1. *An Outline of the Science of Political Economy.* By NASSAU W. SENIOR, Esq. 8vo. London: 1836. (*Reprinted for private circulation from the Encyclopedia Metropolitana.*)

2. *Principes Fondamentaux de l'Economie Politique, tirés de leçons, éditées et inédites, de M. N. W. Senior.* Par le Comte JEAN ARRIVABENE. 8vo. Paris: 1836.

BEFORE proceeding to notice the valuable work of Mr Senior, we propose to offer a few remarks on the views adopted by some recent writers, especially in foreign countries, on the nature and method of the science of political economy. It will be seen how widely these views are at variance with those entertained by the school of which Dr Adam Smith was the founder.

M. Sismondi, in his lately published *Etudes sur l'Economie Politique*, which forms a kind of *résumé* of the scattered opinions thrown out by him on the subject during his long literary life, makes the following observations:—

‘ Society owes its first attention to the protection of its own material interests, of its own subsistence; and it is our object to examine what is the line which society ought to adopt in order that those material goods (*biens matériels*) which labour creates for her, may procure or maintain the greatest amount of good for all (*le plus grand bien de tous*);—this is what, according to the etymology of the word, we term *Political Economy*, for it is the *law* or *rule* of a family and of a state. . . .

‘ The products of human labour, which represent, together with man’s subsistence, all the material *goods* which he desires to enjoy, and all the intellectual goods which he cannot reach except by the assistance of the former, have been called wealth. Wealth, or the theory of the augmentation of wealth, has been regarded as the especial object of political economy; an object much better designated, since the times of Aristotle, by the word *chrematistics*. We do not render our notions clearer by disputing about words, and we should not reproduce this one if it did not seem at the same time to mark with accuracy the cause of that false direction which a branch of social science has followed in our time. This science always has, and always ought to have for its subject, men united in society. Economy, according to the proper sense of the word, is the regulation of a family or house: political economy, the regulation of a family applied to a state. These two great human associations, the primitive associations, form the proper object of the science. But wealth is an attribute either of men or of things; it is a comparative term, which has no sense, unless at the same time the object in relation to which it is considered be clearly defined. Wealth, although an attribute of things wholly material, is nevertheless an abstraction: and *chrematistic* science, or the science of the increase of wealth, considering it abstractedly, and without reference to man and society, has

raised its edifice on a base wholly unsubstantial. Wealth is the product of human labour, which promises to man all the material goods which he desires to enjoy : it is the representative of all physical enjoyments, and moreover, of all the moral enjoyments which depend upon them. Very well, but for whom? This question ought never to be lost sight of; while, on the contrary, it scarcely ever presents itself to the contemplation of theorists. For whom? According to the answer which we make to this question, man himself belongs to wealth, or wealth belongs to man. . . . In our eyes—we do not hesitate to aver it—national wealth is the participation of *all* in the advantages of life. Members of society are no doubt destined to divide among themselves the product of social labour in different proportions; but we can never call by the name of wealth that part which one of its members takes from another.*

Professor Cherbuliez of Geneva, who endeavours to establish a sort of eclecticism compounded of the notions of Sismondi and those of the English economists, expresses himself as follows :—

‘ Every question belonging to this science presents two faces, or rather divides itself into two distinct questions. A certain economical fact being given, we may ask what is the cause of it, and then study that cause in its different relations to the increase or diminution of national wealth. For example, the price of certain commodities has risen or fallen : is the cause to be found in the increase or diminution of the cost of production, or in a change of proportion between demand and supply? Will there result from this cause a diminution or an increase of the general mass of wealth, or of the revenue of society, or of any division of society? In following these researches, we consider riches and revenues objectively; we make them the true and only substratum of science.

‘ But these riches are produced and consumed by men, that is, by intelligent and sentient beings, on whose happiness and moral and physical development they act in a thousand ways. Every economical fact may then affect in various manners the happiness of those producers and consumers, whose condition, in respect of wealth, is modified directly or indirectly by it. Hence a second series of questions, in which wealth is considered subjectively, and men themselves are taken as the *substratum*.

‘ There is between these two points of view the same difference which exists between the *chrematistics* and *economics* of Aristotle; that is, between the art of acquiring riches, and the art of managing a household. In the first, wealth is an end; in the latter, only a means.’*

* We should be glad to be informed where this use of the word *chrematistics*, so frequently employed in this controversy, and always attributed to Aristotle, is to be found in that author? We can only recollect a passage in his remarks on Ethics, in which the *χρηματιστικὴ βίη*, or life of one devoted to the acquisition of wealth, is contrasted with the *καταπραϊντικὴ βίη*, or contemplative life; but in that instance the word has obviously nothing to do with the sense now under consideration.

‘ Since the commencement of the present century, the *chrematistic* tendency has become predominant, and even exclusive, with English economists; while those of the Continent have continued to treat economical questions under their double point of view. We may therefore consider modern economists as divided into two schools, which differ much more by their tendencies than by their actual doctrines.’

After a short exposition of the character and doctrines of what he terms the Chrematistic school, especially as represented by Mr Senior, this writer thus proceeds :—

‘ Wealth is a means of happiness, and a means which procures almost all the rest. In the sense which the economists and Mr Senior give to this word, is comprised almost every thing which can contribute to the happiness and to the developement, both moral and physical, of man in society. The existence of wealth is the distinctive characteristic of the state of society, the summary of the advantages which man derives from that state. The part of it which falls to each member of the political association gives, in general, a fair measure of the degree of security, independence, and leisure, which he is able to enjoy. Now, security, independence, and leisure, are the essential conditions of our developement, even in a moral point of view; consequently, the laws which regulate the distribution of wealth are also those which regulate the part which each member is to claim in the advantages of the social state, and the place which he is to occupy in the social hierarchy. To describe the causes which directly, or indirectly, influence this distribution, is, in reality, to make a nearly complete statistical table of social happiness. This being granted, can it be denied that there is a connexion between the description of these causes and the appreciation of their results? The questions—what is the end to which wealth should serve as a means? Is that end attained by existing laws? If it is not, what can the legislator do toward approaching it?—do they not jointly present themselves to the mind of those who study economical questions, and is it not of the economist that they will demand a solution of them? Is it not the economist who will be best in a condition to solve them?’—(*Bibliothèque Universelle de Genève*, Dec. 1836.)

Let us now contrast the views of these two writers with thy definition of the nature and objects of the science, as given by Mr Senior in the work before us. We need scarcely direct our reader, with whichever party he may be disposed to agree, to admire the clearness of language, and the precise as well as comprehensive conception of the subject, which the following passage exhibits :—

‘ We believe that by confining our own and the reader’s attention to the nature, production, and distribution of wealth, we shall produce a more clear, and complete, and instructive work than if we allowed ourselves to wander into the more interesting and more important, but far less definite fields by which the comparatively narrow path of Political

Economy is surrounded. The questions—to what extent and under what circumstances the possession of wealth is, on the whole, beneficial or injurious to its possessor, or to the society of which he is a member? What distribution of wealth is most desirable in each different state of society? And what are the means by which any given country can facilitate such a distribution?—all these are questions of great interest and difficulty, but no more form part of the science of Political Economy, in the sense in which we use that term, than navigation forms part of the science of astronomy. The principles supplied by Political Economy are indeed necessary elements in their solution, but they are not the only or even the most important elements. The writer who pursues such investigations is in fact engaged on the great science of legislation;—a science which requires a knowledge of the general principles supplied by Political Economy, but differs from it essentially in its subject, its premises, and its conclusions. The subject of legislation is not wealth, but human welfare. Its premises are drawn from an infinite variety of phenomena, supported by evidence of every degree of strength, and authorizing conclusions deserving every degree of assent, from perfect confidence to bare suspicion; and its expounder is enabled, and even required, not merely to state certain general facts, but to urge the adoption or rejection of actual measures or trains of action.

‘On the other hand, the subject treated by the Political Economist—using that term in the limited sense in which we apply it—is not *happiness* but *wealth*; his premises consist of a very few general propositions, the result of observation, or of consciousness, and scarcely requiring proof, or even formal statement; which almost every man, as soon as he hears them, admits as familiar to his thoughts, or at least as included in his previous knowledge; and his inferences are nearly as general and, if he has reasoned correctly, as certain as his premises. Those which relate to the nature and production of wealth are universally true; and though those which relate to the distribution of wealth are liable to be affected by the peculiar institutions of particular countries—in the case, for instance, of slavery, legal monopolies, or poor-laws—the natural state of things can be laid down as the general rule; and the anomalies produced by particular disturbing causes can be afterwards accounted for. But his conclusions, whatever be their generality and their truth, do not authorize him in adding a single syllable of advice; that privilege belongs to the writer or the statesman who has considered only one, though among the most important of those causes. The business of a Political Economist is neither to recommend nor to dissuade, but to state general principles which it is fatal to neglect, but neither advisable nor perhaps practicable to use as the sole or even the principal guides in the actual conduct of affairs: in the mean-time the duty of each individual writer is clear. Employed as he is upon a science in which error or even ignorance may be productive of such intense and such extensive mischief, he is bound, like a jurymen, to give true deliverance according to the evidence, and to allow neither sympathy with indigence, nor disgust at profusion and avarice;—neither reverence for existing institutions, nor detestation of existing abuses;—neither love of popularity, nor of paradox, nor

of system,—to deter him from stating what he believes to be the facts, or from drawing from those facts what appear to him to be the legitimate conclusions. To decide, in each case, how far those conclusions are to be acted upon, belongs to the art of government—an art to which Political Economy is only one of many subservient sciences; which involves the consideration of motives, of which the desire for wealth is only one among many, and aims at objects to which the possession of wealth is only a subordinate means.—Pp. 129, 130.

A comparison of the different views indicated by these three writers will at once guide the reader to the real point at issue. The English writers, or chrysologists, as M. Cherbuliez would call them, or followers of Dr Smith (though his own definition of Political Economy differs widely from that of his successors), define their science as that of the laws which regulate the production and distribution of wealth. Their opponents say that it both investigates those laws, and, moreover, directs the legislator how to regulate distribution, so as to secure that proportion in the enjoyment of it which is most conducive to the general welfare. The foreign school (we term them so for convenience, although there are many English authors whose views assimilate to theirs) hold, that it is the office of the political economist to point out in what way social happiness may best be attained through the medium of national wealth. Our own writers reply, that this is the province, not of the economist, but of the politician. The former ask, Whether all questions concerning the moral and physical wellbeing of man in society, as far as wealth affects it, are not closely connected with the truths of the abstract science of wealth? The latter answer, that they are undoubtedly so connected, but that they are not a part of it. They admit that the economist may be best fitted to solve those questions, by the education which his science has given him; but they deny that in doing so he is keeping within the bounds of that province. We contend that the study is purely a science: our opponents, that it includes the practical adaptations of the science to existing circumstances. In other words, that it is at once a science and an art. According to them, it is a *deontology*: according to us, an *ontology* only.

Thus far it is clear enough that the difference between the two schools is one of definition, or rather of method only. The English writers adhere to a precise division of labour, and circumscribe the province of the economist within narrow bounds; upon the principle that the science can never be truly serviceable as a guide and controller to practice, unless it is studied in the first instance on hypothetical assumptions, and by the *à priori* method. According to these, the business of the economist is—certain motives of action

operating on society with a certain degree of intensity being *given*—to find the consequences, in the production and distribution of wealth in that society. That it is the affair of the politician to compare the consequences of this imaginary state of things with existing phenomena, and to legislate, after allowing for the disturbances which have produced the existing variations from that standard. The foreign economists, generally speaking, seem not to comprehend the use of the hypothetical method at all. If its conclusions appear to vary from things as they are, they conclude, not that the science is inadequate by itself to produce good practical results, but that it is altogether faulty and erroneous. If the economist cannot assume as the basis of his calculations Man as he is, with the tendencies and habits which the institutions of different countries have given him, and arrive at once at the conclusion of what is best for man as he is, they seem to think that he had better abandon the subject altogether. His theories will not only be incomplete, they will be ‘revolting, ‘hard-hearted,’ and we know not what besides. They dislike the notion of treating Man as an abstraction, as if it were a degradation to him. ‘On est peiné,’ says M. Cherbuliez, ‘de voir ‘des êtres sensibles et intelligens transformés en producteurs et ‘consommateurs, sans un mot qui rappelle l’influence journalière ‘et puissante que cette double qualité exerce sur leur sensibilité ‘et leur intelligence.’ As well might we be affronted at finding man spoken of in surgical books as a mere subject for anatomical operations.

But the real difference between the two schools lies deeper than the surface. However carefully the scientific economist may avoid all hortatory language, and confine himself to the simple exposition of principles and facts, there can be no doubt of the one great practical conclusion to which the theories of English writers of the school in question, however conflicting in many points, tend with absolute unanimity. It is, That the ‘laws ‘which regulate the distribution of wealth between the different ‘classes of society,’ are principles with which it cannot be economically profitable for the legislature to intermeddle. That in so far as the immediate productiveness of industry is concerned, every such attempt, however insidiously or plausibly framed, cannot but *pro tanto* diminish it. That whether the Legislature interfere with the free use of capital by protecting duties, or with the contracts between capitalist and labourer, by combination laws—or with the contract between landlord and tenant, by restraints on alienation, &c.—in whatever shape, in short, the multiform spirit of restriction may show itself, it cannot but produce precisely the same results as if the fertility of the earth, or

the productiveness of labour, had been to a certain extent diminished.

As to the ulterior utility of these restrictions, Political Economy, if limited by Mr Senior's definition, cannot pronounce whether or not it may be advisable for a nation, under certain circumstances, to sacrifice a portion of the national wealth to ensure a better distribution of the remainder. This is a grand question, to be solved only by one who can bring the knowledge acquired by his science to bear on an infinity of other knowledge essential to the legislator. For example, it may be that certain restrictions on distribution, by raising up a powerful and united class of monopolists, may ensure the stability of a state, and thus, by an indirect process, even contribute to increase its wealth. Thus, it is possible that the contrivances of corporations and apprenticeships may have caused or secured the flourishing of various commercial communities in the tumultuous periods of the middle ages; but, in our view, it would be incorrect to say that the municipal system of Florence, or of Nuremberg was, on that account, *economically* a good one.

It is therefore clear, that a speculator might possibly agree in the definitions which writers of the English school give of the nature and scope of their science, and yet arrive at conclusions practically adverse to that system of free exchange. He might acquiesce in the theoretical conclusion, that labour and capital are most productive when their use is unrestricted; and yet when directing his view to existing circumstances, he might believe that the happiness of the community requires a restraint to be put on the employment of those means which are the best for increasing its collected wealth. He might, in short, imagine that a limited production is *politically* a less evil than an unrestricted distribution. But it so happens (and very naturally, as all who have studied the progress of any science are aware), that those who are dissatisfied with the practical results which appear most readily to follow from certain theoretical principles, invariably direct their anger against the principles themselves. It was said long ago, that if a proposition in Euclid were adverse to the interest or cherished speculations of individuals, there would be found individuals enough to contradict it; and even so it has proved with the modern science of Political Economy, using the word in the sense of Ricardo and Malthus. Its opponents do not in general seek to pick holes in the logical sequence of its reasonings, or to point out fallacies in argument. They chiefly attack it in two ways: they either endeavour to disprove it by reference to supposed experience (which cannot be done, because the conclusions of the science do not assume to be practically true in fact, but only in

approximation, and consequently the imaginary contradiction may in each case be an exception only); or they deny the existence of the hypothetical science altogether, and set up in opposition to it a mixed mass of practical rules and opinions which may or may not be good for any thing, but are somewhat totally distinct from abstract philosophy. Thus it is that those speculators who dislike the principle of unrestricted competition, begin not by impugning the reasonings of the English school, but as it were by arraigning their competency;—by asserting that there are material elements omitted in their conception of the science.

And the truth is, that the great principles of free exchange and natural distribution, after having had a long run of success among the philosophers of the Continent, have begun of late to wax unpopular with the more refined speculators; just as they have been put in action, by a very great practical revolution (as far as domestic commerce is concerned), in most of its states. In England, also, the economical doctrines have to contend not only with the sturdy old-fashioned opponents whom they have always found, but also with a new race of visionaries, whom the great changes of late years have called into activity; for such changes always give birth to a wondrous variety of abortive speculations. There is at work a wide-spread dissatisfaction with the present state of society; and a disposition to trace all the evils which afflict it to the competition of capitalists and labourers amongst themselves, and their supposed competition with each other. It is as if the philosophical world, never long contented with a simple adherence to the same system, had tried the *laissez faire* theories of Smith and Turgot to the uttermost, and had thrown them aside in mere weariness, and through a desire for new excitements. In Johnsonian phrase, Truth is a cow which will yield such people no more milk, and therefore they are gone to milk the bull. The last and greatest end of national institutions is to elevate the condition of the most numerous class in society. Freedom of exchange has not as yet (nor can it ever do so, unless assisted by very different agents) succeeded in removing those evils which continually weigh on the lowest portion of it. These speculators have therefore worked round to the conclusion that freedom of exchange is the cause of them; and every possible variety of uncouth restrictions on that freedom—all manner of interference with the independence of labour and of capital—now finds advocates, more or less visionary, among thinkers of the class to which we allude. In England, where enthusiasm is a little more tempered by plain sense, and by habits of public discussion than in other countries, they are for the most part contented with extolling poor-laws on a grand scale, and legislative

interpositions between employer and labourer. In France and Germany speculations run higher; partly from that disposition to Utopianism, which nothing short of a century or two of practical public life will ever correct; partly because, in those countries, the philosophers and the million seem equally unable to get rid of the prevailing notion that government can do every thing, and ought to try its hand at every thing. M. Sismondi and other continental authorities are for returning to the systems of the middle ages;—for re-establishing guilds and apprenticeships in the towns, and breaking up large farms into little villein-tenements in the country. We have before us the work of a very honest and religious German writer (M. Bodz Reymond on the ‘Increase of National and Private Poverty’), whose imagination has been heated with the prospect of sufferings and distress which no Political Economy can cure, until he imagines that Political Economy has occasioned them. He not only adopts views similar to those of M. Sismondi, but proposes, in serious earnest, a scheme for limiting the number of capitalists in each town, and in every trade, according to the number of workmen in that trade, for whom it may be found that sufficient employment now exists. The Owenites, and the Co-operatives in England, with much more logic and consistency, went a step farther. They soon found out that the right of property is the cause of all competition, and they proposed the adoption of restraints under which no accumulation of property could take place. Finally, other reasoners most correctly deduced fresh premises from these conclusions. They discovered, that this complicated net of restrictions could neither be woven nor preserved unbroken, except by the agency of some absolute controlling power; and that the power which was to exercise so unheard-of a jurisdiction could be no less than a theocracy; and hence arose the monstrous extravagances of St Simon and his disciples.

These curious speculations, which may one day afford to our posterity more serious matter for reflection than they now do to ourselves, are not within our present scope:—we are only tempted to observe how impossible it is for the advocates of restrictions on exchange to stand still, and logically to defend the ground which they have taken up against the advocates of farther restrictions. But with the justice or injustice of these views we have nothing to do. Our only object is to point out how essential it is to keep separate the theoretical from the practical part of political economy. The various sects of experimentalists, if we may so denominate those against whom we are contending, proclaim a science, or rather an art, which professes to model the whole social existence of man by

determining what portion each shall obtain of the whole social revenue. They deal not merely with the elementary principles of production and distribution, but with inventing laws to restrain that production and apportion that distribution. Thus defined, their science or art must take into its cognizance an immense variety of subjects not immediately connected with wealth or its sources. The whole mass of motives which act on individuals and communities, and regulate their conduct, and the conditions of their society, must fall of necessity within its province. But, upon the commonest principles of the division of labour, it is obvious how much is gained by distinguishing between the *Science* itself, and the *Art* of adapting its conclusions to practice. The former rests, as Mr Senior truly says, on a few general assumptions respecting the conduct of men under certain given circumstances. But those assumptions are few, and readily comprehensible and admissible by all. From these first principles a long train of results follows by accurate reasoning. But no one ever dreamt of contending that the actual state of mankind in any civilized country precisely resembles those given circumstances which the science, as we have defined it, takes for its postulates. Consequently, the results, however logically deducible, will never correspond exactly with the phenomena which observation presents to our view. Should a statesman assume the conclusions of the science as principles of government, without submitting them to the correction of experience, strange and unforeseen errors would ensue. In other words, excellent economists may make bad legislators;—‘good tools without handles,’ as was said of Turgot. But this arises not from the fallacious or nugatory character of the science itself, but simply from their neglecting to allow for those disturbing causes which affect the results of their calculations. These it is the province of the politician to estimate. The man of science, as such, must needs disregard them; otherwise his science would become a mere mass of fluctuating and contradictory opinions, and could not by possibility be reduced to any system at all. ‘Our relations with our fellow-men,’ says M. Say (than whom no writer has laid down better principles on this subject, although he often forgets to act upon them), ‘are so numerous and so complicated, that it is impossible to consider them all together, and in a single work. It must be at once a treatise on politics, on public right, on individual and social ethics, and on international law, as well as on Political Economy. It is not by agglomerating the sciences that we perfect them. They have all points of contact, it is true; and the phenomena which are discovered by one, exercise an influence in the production of those

‘which are discovered by another ; but while we point out these instances of contact, we must take care to distinguish the subjects of our studies.’

But to all this the opponents of the modern English school have a general reply in the *etymology* of the words Political Economy. To use their favourite definition, it is to a state what domestic economy is to a household. Now, domestic economy is clearly no science. It is an art, founded on no abstract principle, requiring a knowledge of a great variety of individual details, and tact and judgment in the direction of them. Is Political Economy nothing more ? If so, it is absurd to dignify it by the name of a science at all ; which, nevertheless, those who employ this definition of it very jealously contend that it is. Then the quarrel is purely one of names. Let it be allowed that we employ an incorrect and misleading denomination for our science. Its derivation, we readily concede, points out rather an art than a science—the art of managing the resources of a nation. But that, we contend, is an art founded on the maxims of several sciences,—of moral philosophy, of political philosophy, and, finally, of the abstract science of national wealth. This last it is, to which English authors have given the name of Political Economy. They may have adopted an inconvenient title. We are quite ready to change it, provided the world can agree on a new one. Let it be *Chrematistics* or *Catalactics*, or *Chrysology*, or any other hard word which its inventor may succeed in making popular. But let it be conceded that there is such a science, by whatever name it may be called. Let it be acknowledged that it is a science which neither recommends to do, or to abstain from doing ; which does not direct legislation ; which regards Man in the abstract, and, simply as a wealth-creating animal, laying aside for the occasion all the other tendencies of his complicated nature. Sufficient for the economist to establish sound principles, any departure from which can only be justified by proving the interference of disturbing causes to render their practical application impossible.

By observing this distinction, the study will be kept within its legitimate province. The German writers, although we believe that they have very imperfectly adhered to it in practice, have found in the peculiar wealth of their language the means of marking it by a more appropriate nomenclature than we possess. They divide the subject into *Volkswirthschaft*, national economy ; and *Staatswirthschaft*, state economy. The first, in our view, is the science ; the second, the derivative art. The first treats of the phenomena of wealth ; the second assumes those

phenomena, and proceeds to frame rules for legislation founded upon them.

We have dwelt so long upon the topics suggested by the opening pages of Mr Senior's work, that but little space is left for detailed examination of its contents. Much of the matter which is collected in this 'Outline' is to be found in the lectures delivered by its author during the continuance of his quinquennial professorship at Oxford; after which time, by the provisions of the foundation, he was obliged to vacate the chair. We suppose that this duration of five years was allotted by the founder, under the impression that no longer reign can be expected for any theory in Political Economy; and that at the end of that period a new professor is wanted to correct the views of his predecessor. The work which stands second at the head of this article, consists of a translation of six of these lectures, with various additions from the author's hand, by the Count J. Arrivabene and M. Theodore Fix; forming a short treatise on some elementary points of the science. The translation is carefully executed; and in their preface the translators have urged on their readers, with much force, similar opinions to those which we entertain as to the necessity of keeping the scientific branch of Political Economy apart from the practical; but we fear that they will find their French readers very reluctant converts to this view of the subject.

Mr Senior arranges the contents of his 'Outline' under three heads; viz. the Nature, Production, and Distribution of Wealth. The chapter on the first necessarily consists of definitions; and his remarks on the various meanings of those controverted and equivocal terms with which economists have to deal, such as wealth, value, demand, &c., form a valuable introduction to his after enquiries. We would willingly have devoted some space to an examination of them; but we are obliged to pass over subjects which cannot be satisfactorily discussed except at considerable length.

The chapter on Production begins with the four elementary propositions on which, in the author's view, the whole science is founded. These are, in his language—

- '1. That every man desires to obtain additional wealth, with as little sacrifice as possible.
- '2. That the population of the world, or, in other words, the number of persons inhabiting it, is limited only by moral or physical evil; or by fear of a deficiency of those articles of wealth which the habits of the individuals of each class of its inhabitants lead them to require.
- '3. That the powers of labour, and the other instruments which pro-

duce wealth, may be indefinitely increased by using their products as the means of farther production.

‘4. That, agricultural skill remaining the same, additional labour employed on the land, within a given district, produces in general a less proportionate return; or, in other words, that though, with every increase of the labour bestowed, the aggregate return is increased, the increase of the return is not in proportion to the increase of the labour.’

With regard to the first of these propositions, plain as it appears, it is, as the author truly remarks, opposed to the well-known doctrine of ‘over-production or general glut,’ of which Malthus and Sismondi are the most distinguished supporters; and which is in fact *assumed* by most of those reasoners who complain of the defective distribution of wealth, under the system of free exchange, of whom we have spoken above.

The second of these elementary propositions is a modification of the well-known hypothesis, which passes usually under the name of Mr Malthus. How far the views of Mr Senior differ from those of the older writer, will be best understood by extracting a passage from one of his lectures delivered before the University of Oxford, together with the correspondence to which it gave rise. After stating the abbreviated proposition of Mill, ‘that there is a *natural tendency* in population to increase faster than capital,’ the Professor proceeded as follows:—

‘If the present state of the world, compared with its state at our earliest record, be one of relative poverty, Mr Mill’s reasoning is unanswerable. If its means of subsistence continue to bear the same proportion to the number of its inhabitants, it is clear that the increase of subsistence and of numbers has been equal. If its means of subsistence have increased much more than the number of its inhabitants, it is clear not only that Mr Mill’s proposition (that there is a natural tendency in population to increase faster than capital) is false, but that the contrary proposition is true; and that the means of subsistence have a natural tendency to increase faster than population.

‘Now, what is the picture presented by the earliest records of those nations which are now civilized? Or, *which is the same, what is now the state of savage nations?* A state of habitual poverty and occasional famine. A scanty population, but still scantier means of subsistence. Admitting, and it must be admitted, that in almost all countries the condition of the great body of the people is poor and miserable; yet as poverty and misery were their original inheritance, what inference can we draw from their misery as to the tendency of their numbers to increase more rapidly than their wealth? But if a single country can be found, in which there is now less poverty than is universal in a savage state, it must be true that, under the circumstances in which that country has been placed, the means of subsistence have a greater tendency to increase than the population. Now, this is the case in *every* civilized country. Even Ireland, the country most likely to afford an instance of

what Mr Mill supposes to be the natural course of things, poor and populous as she is, suffers less from want, with her eight millions of people, than when her only inhabitants were a few septs of hunters and fishers. In our early history famines, and pestilences the consequences of famine, constantly recur. At present, though our numbers are trebled and quadrupled, they are unheard of. . . . If it be conceded that there exists in the human race a natural tendency to rise from barbarism to civilisation, and that the means of subsistence are proportionally more abundant in a civilized than a savage state, and *neither of these propositions can be denied*, it must follow that there is a natural tendency in subsistence to increase in a greater ratio than population.*

To these lectures Mr Senior has annexed a correspondence between himself and Mr Malthus, which, did our limits permit us, we would willingly extract at length; especially on account of the additional light which it throws on the views of the deceased philosopher. Mr Senior commences his correspondence by a candid avowal that he had unintentionally misrepresented the opinions of Malthus, by supposing him to attach a more conclusive character to his general proposition, of the constant pressure of population for subsistence, than was in fact the case. He admits, also, that the difference respecting the word 'tendency,' is merely verbal. Using the word 'tendency,' to mean that which results from a known power in an agent to produce certain effects, the proposition may be true, That it is the tendency of population to increase faster than subsistence; and yet if we only mean that things have a tendency to happen, which we frequently see happen, in many cases it may be true that the tendency of subsistence is to increase faster than population. But he still tenders issue on the general assertion, That in point of fact the condition of the labouring classes in civilized countries does continue progressively to improve, so as to make Mr Malthus's law, although philosophically true, yet rarely worked out in reality, in consequence of the existence of other laws which counteract it.

Mr Malthus replies, in the first place, by vindicating his own use of the word tendency as the more philosophical, or which is here the same thing, the more correctly English. And here we quite agree with him. A greyhound may be held in the leash, so that a tortoise may gain ground on him in constant progression: but should we say that the tortoise had a tendency to outstrip the greyhound, or the greyhound the tortoise?

But the other question is one of more importance. It is clear that it is possible to admit philosophically the truth of Mr Malthus's general law, and yet to hold that, as in the case of the

* Lectures on Population. London: 1831.

greyhound and the tortoise, the facts which pass under our eyes prove it to be counteracted by other and more powerful laws. It is possible to do this, as it is done by Mr Senior, with a full acknowledgment of the merit of the discoverer of that law ; and in the form of courteous and direct controversy. It is possible also to do it, as we had lately occasion to observe in reviewing the life of that distinguished philosopher, with every variety of calumny and misrepresentation, at one moment denying his principle, and abusing its author, and the next moment admitting it, for the purpose of endeavouring to establish exceptions to it. But we suspect that in both cases, although in a very different spirit, the practical truth of that law is seriously undervalued.

Single instances, such as those to which Mr Senior would refer us, prove nothing in the controversy between the two tendencies. If two disputants intrench themselves, the one behind the theoretical assertion that population has a tendency to increase faster than food,—the other behind its opposite, that food has a tendency to increase faster than population, no amount of examples will serve to confute either. To all that can be adduced on either side the adversary may reply, that in those cases his favourite tendency has been overruled by those checks on its operation which confessedly exist. But when the terms of dispute are changed into those of a question of fact, namely, which is found in most countries to increase the fastest, food or people, then history and observation alone can decide it. Tried by those tests, we very much doubt the truth of Mr Senior's proposition, when taken in the sense which he evidently attaches to it, viz. that, as a historical fact, food does *usually* increase faster than population in civilized countries. At least, the arguments usually adduced in its support appear to us far from convincing.

Mr Senior begins with the state of 'savage nations,' and their constant want of food. Savages—'septs of hunters and fishers,'—are of great use to political economists, as well as to political philosophers; their condition serves as a sort of zero in the thermometer of civilisation,—a point from which there is a gradual rise towards perfection. They are thus very valuable in hypothetical reasoning ; but, when history is the test by which truth is to be tried, this employment of them is unwarranted by fact. For, as far as our historical knowledge extends, we do not know a single instance of a savage tribe raising itself by unassisted efforts to a state of civilisation. This has always been effected by foreign emigration from a more civilized state. And, in this case, Mr Senior's general proposition may be true ; and yet do nothing towards proving his argument. A party of colonists, driven by

the pressure of population from their own ancient seats, arrives in a region inhabited only by savages in want of every thing. By applying the accumulated knowledge which they bring with them to the virgin soil of this tract, they rise rapidly to a degree of prosperity in which a very considerable share of produce falls to the lot of each. Thus far there is no interruption to the law of Malthus; for the people thus circumstanced, *i. e.* the colonists, and not the savages, are at the first link of the series of cause and effect which he describes. By and by their civilisation increases; ranks are formed amongst them; rent arises; and a large share of surplus produce falls to the lot of a favoured few: but productiveness diminishes, and the share obtained by each of the lower class is smaller than before. This we contend to be historically, as well as theoretically probable: that, in all likelihood there has been a point in the past life of most nations, at which the *historical maximum* of food has fallen to the lot of each individual; and that with the increase of civilisation, his share has on the whole diminished, even in the happiest countries, by the pressure of population, and the necessity of resorting to inferior soils. Any one will see that Mr Senior's reasoning proves nothing against the probability as well as possibility of this hypothesis. It may thus be true, that the amount of food now shared by each is greater than that which falls to the lot of individuals in 'septs of hunters and fishers;' and nevertheless that, even in his own sense, the tendency of the increase of subsistence has not been to outstrip that of population. He founds his doctrine on the two principles—that 'there exists in the human race a natural tendency to rise from *barbarism* to 'civilisation,' and that 'the means of subsistence are proportionally more abundant in a civilized than in a *savage* state.' Using, as he does, the words 'savage' and 'barbarous' as synonymous, we deny his first proposition, *modo et forma*, in the sense which he attaches to it; that is, we deny that it is in the usual order of things for a people to rise out of the state of savage penury into civilisation *without the importation of foreign knowledge and industry*; and that this aid entirely alters the conditions of the reasoning.

But, besides the argument drawn from the *savage state*, there is another to which Mr Senior, in common with the less reasonable opponents of Malthus, repeatedly resorts. Famines were common a few centuries ago; famines are now unknown; therefore the average proportion of food which falls to the lot of each individual must be greater now than a few centuries ago. When stated thus, the argument appears to us to show its own inconclusiveness. Famines, such as are read of in the annals of all

European countries, but now rarely experienced in any, arose partly from want of knowledge and skill in the economical management of the fruits of the earth, and in a still greater degree, from absence of information and difficulty of transport, increased as they were by political incumbrances of every description. In France, even up to the Revolution, it not unfrequently happened that the labourers of one province were well-nigh starving whilst those of its neighbour were enjoying superfluous abundance. The same causes operated to a much greater degree at remoter periods. But, because the peasant in the reign of Edward III. or IV. ran the risk of a famine once in five or ten years, it does not follow that his average annual share of the fruits of the earth might not be greater than that of his descendant under Queen Victoria.

If we descend to times in which we are aided by historical knowledge, proof seems rather to accumulate against Mr Senior's proposition. It is *said* that, from the year 1720 to 1750 (a period, by the way, during which the population of England was nearly stationary), the agricultural labourer could earn a peck of wheat a-day, and that at present he can only earn five-sixths of a peck, or less.* We are not much disposed to rely on such statistical information as we possess for the construction of tables which can fairly represent the average situation of the labourer at a particular period; but, in the absence of all contradiction, the evidence in favour of this result may, at least, be received as highly probable. Mr Hallam (in his 'Constitutional History,' if we are not mistaken) expresses an opinion that the reigns of George I. and II. present, on the whole, the most prosperous period in the history of the lower classes. It is undoubtedly true, as Ricardo and others have pointed out, that, since that time, the

* A very different conclusion would follow, no doubt, from some premises of Mr Senior's. He says (p. 187), that during a period in which the population of England has about doubled, the produce of the land has *certainly* tripled, *probably* quadrupled. Now since, in the same period, we have changed from exporters to importers of raw produce (to some extent, including imports from Ireland), it would follow, on the last supposition, if we are to take the words literally, that every John Bull of the present day eats *more than twice as much* as his grandfather Bull in the reign of George II.—*ἡμεῖς τοὶ παρὶν μὲν ἀμύμονες ἐνχομεθ' ἑαυτοῖς.*

But after making every allowance for the increased quantity of vegetable produce which goes to improve the quality of meat, and possibly for a greater rate of increase in that portion of our agricultural produce which does not consist of mere '*munitions de bouche*,' either supposition seems scarcely credible.

improvements in manufactures and communication have enabled the labourer, by the sacrifice of a smaller part of his wages, to obtain a larger amount of wrought goods, of foreign articles of comfort, and, in some districts, of fuel; and this must be taken as a partial set-off against the fall in wages as estimated in corn. But every one knows how small a proportion of the receipts of a labouring family is thus expended; and when we reflect on the enormous increase which has taken place during the same period in the productiveness of labour, and in all outward tokens of civilisation, the fact that real wages have remained stationary, at best seems strangely adverse to the theories of Mr Senior.

Passing over a long period of fluctuations, we find, if the evidence is to be believed, that in the reigns of Edward IV. and Henry VII. the labourer could earn two pecks of wheat a-day, or more than double his present wages. We may, no doubt, have considerable hesitation in receiving such a statement on such evidence as can be now procured; and we may also argue, as Mr Malthus has done, that, for various reasons, it is probable that this was a period of unusual prosperity for the lower orders. But still, with such a statement well known and undisproved, surely a writer who can affirm that, even in civilized England, 'the tendency of subsistence has been to increase faster than population,' is a bolder theorist than Malthus in his boldest day.

The mere historical fact of emigration furnishes the best answer to such speculations, when the 'law' of Malthus is limited, as it ought, of course, to be, to the case of each individual country.

'If food had increased faster than population,' says the latter writer, in his answer to Mr Senior, 'would the earth have been overspread with people since the Flood? Would the great migrations and movements of nations of which we have read have ever taken place? Would the shepherds of Asia have been engaged in such a constant struggle for room and food? Would the northern nations have ever overrun the Roman empire of the west? Would the civilized Greeks have been obliged to send out numerous colonies? Would these colonies have increased with great rapidity for a certain period, and then have become comparatively stationary? Would history, in short, have been at all what it is? America is by no means the only instance of the knowledge of an old state being applied to the comparatively unoccupied land of a new one. And in all instances of this kind, where the food has once been abundant, an actual increase of population faster than food is not only probable, but absolutely certain. In fact, such countries never could be well peopled if this did not take place. In old states the relative increase of population and food has always been found to be practically very variable. It is no doubt true, that in every stage of society there have been some nations where, from

ignorance and want of foresight, the labouring classes have lived very miserably ; and both the food and population have been nearly stationary long before the resources of the soil had approached towards exhaustion. Of these nations, it might safely have been predicted, that in the progress of civilisation and improvement a period would occur when food would increase faster than population. On the other hand, if, from favourable circumstances at any time, the people of a country were very abundantly supplied, it might as safely be predicted, that in their progress towards a full population, a period would occur when population would increase faster than food. It is absolutely necessary, therefore, to know the actual condition in which a people is living in regard to subsistence, before we can say whether food or population is likely to increase the fastest. And this condition is certainly not determined exclusively by the state of civilisation and population, but is very different in the same nation at different times ; and sometimes food is comparatively more abundant at an early period, and sometimes at a later period. Notwithstanding the poverty and misery of Ireland at an early period, I am strongly disposed to believe, that about the time when Arthur Young made his tour in that country (1776 to 1778), food was decidedly more abundant than it has been of late years. With regard to what may be called the present state of the nations of the Continent, many of them seem to have increased their food very rapidly since the Revolutionary war ; *and this increase has been followed by so very rapid an increase of population, that it seems quite impossible it should continue.* There is some reason, indeed, to think, from the accounts of Mr Jacob, that population is now increasing faster than food. It appears, then, that it cannot safely be assumed as a fact that food has generally increased faster than population.'

We have extracted this passage from the correspondence published in the Appendix to Mr Senior's 'Lectures,' not merely with a view of giving the last suggestions of Mr Malthus on a subject which has become so singularly identified with his name, but also to point out one or two instances of that practical sagacity which, in our opinion, characterised him far more remarkably than any skill in hypothetical argument. It is too well known to all of us how much confirmation has been afforded to his views respecting Ireland (which, a few years ago, were by no means popular with economists) by the Report of the Poor-law Commissioners for that country. And, with respect to the prediction contained in the last words, we have been forcibly struck by its absolute verification in the recent returns of population of the Prussian monarchy, as they have been carefully analyzed by M. Hoffmann, Director of the Statistical Bureau of Berlin. Our extracts are from a translation of M. Hoffmann's paper, published by the 'Statistical Society of London,' in the first number of its *Transactions*. We shall briefly exhibit the principal facts, and proceed to con-

sider one or two obvious inferences; premising only that Prussia is, among all European countries, that in which population increased most rapidly for some years after the peace of 1815.

	Births.	Deaths.
1820-22	1,491,520	899,006
1823-25	1,527,677	964,773
1826-28	1,515,805	1,093,597
1829-31	1,483,286	1,241,622
1832-34	1,574,729	1,258,211

In the first three years, the population increased by 600,000 souls in round numbers; in the last three years, by little more than 300,000. But this diminished ratio of progression is not occasioned only by a diminution of births; the manner in which too rapid increase is generally checked in flourishing countries. It is occasioned, in part, by a *great and steady increase of mortality*.

On an average of 1,000,000, living at the same period, there were born annually, in 1820-22, ... 43,709
There died, ... 26,346
On the same number there were born annually, in 1832-34,—

39,595
There died, ... 31,637

If we had made a comparison with the years 1829-31, the result would have been still more unfavourable; but the last of these was the *cholera* year. And although the whole number of deaths returned as having been occasioned by that disorder was little more than 30,000 for the whole Prussian dominions, yet it is probable that a much larger share in the increased mortality at that period should in fairness be set down to its direct or secondary influence.

But, with this exception, we are not allowed to account for any part of this increased mortality by means of supposed epidemics; or by imagining new and strange variations in the common order of things. The Government returns of Prussia comprise a very careful classification of the causes of death. Now, M. Hoffmann, who evidently has no Malthusian theory in his head, after examining these returns with a view to some medical solution of the phenomenon, finding that no particular disease appears to have materially outstripped the rest, comes to the alarming conclusion, that 'in the last six years it is evident that there was a greater activity in ALL the causes of death, and therefore there must have existed a general and powerfully active cause by which this remarkable phenomenon was produced.'

An increase in the malignity of all the ordinary causes of death at once, would be assuredly unaccountable on any supposition within the power of human understanding, except one—that of a deterioration in the condition of the body of the people. Now, as there is no proof that the earth during this period has been less than usually productive; [on the contrary, the harvests from 1829 to 1834 inclusive were, we believe, on the Continent as well as among ourselves, at least of an average description,] we are compelled to resort to the only remaining theory, and to attribute this deterioration to some causes existing in the state of society.

Prussia is a country possessing a large extent of waste and half cultivated land, but, generally speaking, with few advantages of soil or climate; although Saxony, Silesia, and the Rhenish provinces furnish, no doubt, favourable exceptions. Her peasantry are a hardy and laborious race, but content to subsist, as the children of so poor a soil, on very scanty means of existence. The war, in the sufferings of which she partook in an extraordinary degree, for a long time retarded the development both of her wealth and her population. When that restraining cause was removed, both took a sudden start; and, at the very same period, the substitution of fixed annual-rents for the feudal services of former times, materially changed the condition both of landlords and peasantry. It encouraged the former to attempt extended ameliorations in the cultivation of their land; and it gave to the latter a security and a freedom which enabled them to make use of their industry on better terms. Hence, during the first years of the peace, the numbers of the people increased, and fresh land was probably taken into cultivation, with a rapidity rather American than European; and it may be presumed that, for some short time, subsistence advanced even in a greater ratio than population. But this did not long continue; the inevitable necessity of *resorting to poorer soils*, in a community almost wholly agricultural, produced those results which theory and experience, slighted as they are by presumptuous speculators in all countries, combine to indicate. The peasants probably found their industry less efficient: their condition began to grow worse, while their numbers still continued to advance. Mr Jacob's Report on the Corn Trade furnished to Mr Malthus strong presumption of the hard fare and poor circumstances of the labouring classes in Prussia fifteen years ago; and the great increase of potato consumption about the same period, contributed, no doubt, at once to the excess of population and to the mortality which since has checked, by establishing the lowest standard of subsistence. It must have seemed but too likely; to every one acquainted with their real condition at that time, that if the then ratio of increase continued much longer, it

would be checked at last by positive causes. And the returns before us show conclusively to our minds, that the limit has been reached. Increased mortality begins to prove that the increase of numbers has exceeded that rate beyond which the iron law of necessity ordains that no increase shall be unattended by suffering. In the fluctuation of events, we may undoubtedly expect that some new set of causes will in time give increased productiveness to Prussian labour. This is the most desirable remedy for the temporary distress which we have described; and if the labouring classes take advantage of such a period of sunshine, to raise, by their own exertions, the standard of comfort and subsistence among them, the nation will have advanced one step in real prosperity; if not, the same vicissitudes with those which we are now witnessing will recur again.

If we possessed equally accurate accounts of the course of population in other states similarly circumstanced with Prussia, we have little doubt that they would exhibit similar results: they would probably show that the extraordinary progress which began about the period of the peace of 1815 has not maintained itself steadily; and that the diminished ratio in these latter years has been owing, not to a diminished number of births only, but to an increased mortality,—proving a temporary deterioration in national circumstances. There might be found exceptions to this rule in countries where, as in England, manufacturing industry has been rendered more productive by improvements in machinery; or where, as in parts of Austria, agricultural industry has perhaps lost none of its productiveness, by reason of the vast extent of fertile land still uncultivated, or scarcely cultivated. Which way the balance would incline, we do not pretend to decide; but are strongly impressed with the opinion, that in a great part of Europe the last ten years have been an epoch of retrogression in the oscillating course of events, as far as the prosperity of the lower classes is concerned.

Political Economy, it has been truly said, is a science which conducts us, not to facts, but to tendencies, or approximations; and we readily admit that the law of Malthus is often and extensively counteracted by those advances in the productiveness of labour which result from improvements in science and civilisation. If so, we may be asked, Why argue against the validity of Mr Senior's proposition? Because, we answer, there is at present, in our opinion, a tendency to rely on that increased productiveness of labour as a far more permanent and effective counter-agent than it will eventually be found. It is not at all surprising that such should be the case. The doctrine of population is, in Political Economy, what that of original sin is in theology,—offensive to

philosophical pride, and irksome to sanguine temperaments; and hence the endless attempts which are made to contradict or to evade it. It is humiliating to feel that society must rely on the slow and painful process of moral restraint as the only corrective of a necessary evil. It disappoints our benevolent anticipations to find that the poorer classes among us partake so little in all the miracles of our advancing civilisation. We prefer to be told that there are extrinsic causes at work, which promise to render the ancient law of our nature a mere philosophical curiosity—a theorem without application;—that machinery and science, and facilities of communication, are outstripping the rapid march of numbers, and rendering our sage apprehensions wholly imaginary. The extraordinary advance of England in these respects, in the course of the last few years, has no doubt had an effect in lessening the practical belief in economical doctrines. Nay, so easily are men turned from their principles by the most partial observation, that we believe the mere absorption of our pauper population through the effect of the New Law has turned some Malthusians into apostates from their prophet. But if society has a power to modify, in some degree, its own future destinies by means of education, then these views, if mistaken, as we believe them to be, are pregnant with real danger. ‘In discussing our ‘future progress of improvement’—we quote once more the Letter from which our last extract was drawn—‘it cannot but lead ‘to error, to lay down positions calculated to direct the attention ‘toward means which must of necessity be inefficient; while the ‘nature of the difficulty to be contended with, and the only ‘efficient means of contending with it successfully, and of improving the progress of society, are kept in the background. ‘Your position, that food has a tendency to increase faster than ‘population, appears to me to be open to this objection, and ‘therefore I cannot approve of it.’

After discussing the two first of his elementary laws, Mr Senior proceeds to complete the second division of his labours by defining and explaining Production. This is one of the most masterly chapters of the work; but we can do no more than refer our readers to it; as it is much too tersely written to admit of farther condensation. The instruments of production he divides into labour, natural agents, and ‘abstinence;’ *i. e.* ‘the conduct ‘of a person who either abstains from the unproductive use of ‘what he can command, or designedly prefers the production of ‘remote to that of immediate results.’ Abstinence, in short, is a new name for that course of conduct of which the result is *capital*, ‘and which stands in the same relation to profit as labour ‘does to wages.’ It is, as its inventor admits, not a very accu-

rate denomination; but it would be difficult to find a better; and considering the very narrow sense in which the term capital is usually employed, it appears almost a necessary importation into the language of the science. Its chief value, we may observe, appears in the discussion (p. 175) respecting 'cost of production.' According to the third 'elementary proposition,' it is by the use of abstinence that 'labour and the other instruments ' which produce wealth may be indefinitely increased.'

The author next proceeds to illustrate that fundamental difference between the effectiveness of the three agents of production, as applied to manufactures or to agriculture, on which his fourth elementary proposition rests. This difference consists, in the first place, in the power ' which agricultural industry possesses, and manufacturing industry does not possess, of obtaining an additional product from the same materials: ' Secondly, in the power which manufacturing industry possesses of obtaining an increase of produce by a less proportional increase of labour and capital; while agricultural industry, on the other hand, not only does not possess this power, but does, in fact, obtain a diminished return from every fresh application of labour and capital—skill, of course, in both cases remaining the same. On this last proposition is founded, as all students in the science are well aware, the theory of Rent.

What the theory of population is in one branch of the science, the theory of Rent, as arising from the diminishing efficiency of the powers of nature, is in another;—a *lapis offensionis*, startling and offending many; partly from the exaggerated results which, undoubtedly, Mr Ricardo and his followers have drawn from it; and partly from the apparent contradiction which it offers to phenomena familiar to most observers. Mr Senior, we think, has treated this difficult part of his subject with great judgment and acuteness; and we know of no writer who has so ably pointed out the mode of reconciling the abstract theory of a relative rise of rent, with the fact of a positive rise of rent from increased productiveness of labour,—such as has taken place so extensively in England.

In proceeding to consider the subject of the distribution of wealth, Mr Senior begins by pointing out a deficiency in the common language of the science, which he endeavours to correct, as far as is necessary for the purpose of his discussion; and in doing so he does, in fact, lay the foundation of a very different phraseology from that now in use, which he *partly* adopts.

' According to the usual language of political economists, labour, capital, and land are the three instruments of production; labourers, capitalists, and landlords are the three classes of producers; and the

whole produce is divided into wages, profit, and rent. . . . It appears to us, that, to have a nomenclature which should fully and precisely indicate the facts of the case, no less than twelve distinct terms would be necessary. For each class there ought to be a name for the instrument employed or exercised; a name for the class of persons who employ or exercise it; a name for the act of employing or exercising it; and a name for the share of the produce by which that act is remunerated.'

We may condense Mr Senior's proposals for completing this nomenclature into a sort of tabular form; leaving a blank for one term in the series, which our language does not furnish.

Instrument.	Powers of mind and body.	Capital.	Natural agent.
Class.	Labourer.	Capitalist.	Landlord.
Act.	Labour.	Abstinence.	
Reward.	Wages.	Profit.	Rent.

But the meaning in which some of these terms are employed by Mr Senior, differs both from their popular signification, and from that which is usually given to them by scientific writers. To begin with wages. The whole reward of a labourer, except so far as he brings capital of his own to aid his exertions, and derives profit from its use, is commonly comprehended under this appellation; but Dr Smith, in that well-known and popular chapter of his book which treats of the different returns to labour and capital in different employments, points out several causes which produce an inequality of pecuniary gain to the labourer in his respective occupations. Now, part of this apparent inequality is resolvable into the fact, that in some occupations the labourer advances much capital, while in others he advances little or none; and that all the returns to his capital, as well as his labour, are lumped together under the current title of wages. The education of a skilled labourer is, of course, his capital, and the profit forms an important part of his nominal wages; just as the nominal wages of a physician or a lawyer comprehend profit on the capital invested by each in the necessary appendages of their profession,—in a carriage or a clerk. Thus far Mr Senior agrees with former authorities. But he carries his analysis of the component parts of wages much farther. In his technical sense, 'wages' appear to mean nothing more than the average reward which can be earned by a day-labourer in the most ordinary employment. All that may be earned by a highly paid class, or individual, beyond this amount, he would rank as profit or as rent. And as his definition of profit does not materially differ from those already received, he is of course obliged to give to rent a new

and very extended signification, as will appear from the following passages :

'Land, though the principal, is not the only natural agent which can be appropriated. The mere knowledge of the operations of nature, as long as the use of that knowledge can be confined either by secrecy or by law, creates a revenue to its possessor analogous to the rent of land. The payment made by a manufacturer to a patentee for the privilege of using the patent process, is usually termed in the language of commerce a rent ; and under the same head must be ranked all the peculiar advantages of situation or connexion, and all extraordinary qualities of body or mind. The surplus revenue which they occasion beyond wages and profits, is a revenue for which no additional sacrifice has been made. The proprietor of these advantages differs from a landlord only in the circumstance that he cannot in general let them out to be used by another, and must consequently either let them remain useless or turn them to account himself. . . . If, therefore, the established division is adhered to, and all that is produced is to be divided into rent, profit, and wages—and certainly that appears to be the most convenient classification :—and if wages and profits are to be considered as the reward of peculiar sacrifices—the former the remuneration for labour, and the latter for abstinence from immediate enjoyment,—it is clear that under the term 'rent' must be included all that is obtained without any sacrifice ; or, *which is the same thing*, beyond the remuneration for that sacrifice ;—all that nature or fortune bestows, either without any exertion on the part of the recipient, or in addition to the average remuneration for the exercise of industry, or the employment of capital.'—Pp. 166, 167.

It follows naturally from this definition, that any remuneration obtained by extraordinary talents (either in the use of capital or of labour, we suppose), is in his view a rent. 'The skill acquired through education is of course capital, the result of previous abstinence ; but the genius or aptitude which makes one man better able to use that skill to purpose than another, is an 'appropriated natural agent.'

'Sir Walter Scott could write a volume with the labour of about three hours a-day for a month, and for so doing received L.500 or L.1000. An ordinary writer, with equal application, would find it difficult to produce a volume in three months, and still more difficult to sell it for L.50. Is then the extraordinary remuneration of the labourer, which is assisted by extraordinary talents, to be termed rent or wages ? It originates in the bounty of nature ; so far it seems to be rent. It is to be obtained only on the condition of undergoing labour ; so far it seems to be wages. It might be termed, with equal correctness, rent, which can be received only by a labourer, or wages, which can be received only by the proprietor of a natural agent. But as it is clearly a surplus, the labour having been previously paid for by average wages, and that surplus the spontaneous gift of nature, we have thought it most convenient to term it *rent*.'—P. 182.

And he proceeds to compare it to the gain of a miner seeking for copper who should come on an equally fertile vein of silver; 'or of the holders of black cloth on the decease of one of the 'Royal Family'; both of which he would take from the category of profit to place within that of rent. So again in the following passage:

'According to our nomenclature, a very small portion of the earnings of the physician or of the lawyer can be called wages. Forty pounds a-year would probably pay all the labour that either of them undergoes in order to make, we will say, L.4000 a-year. Of the remaining L.3960, probably L.3000 may in each case be considered as *rent*, as the result of extraordinary talent or good fortune. The rest is profit on their respective capitals; capitals partly consisting of knowledge, and of moral and intellectual habits, acquired by much previous expense and labour, and partly of connexion and reputation, acquired during years of probation, while their fees were inadequate to their support.'—P. 184.

The phrase 'appropriated natural agent,' which Mr Senior has borrowed from former writers, and adapted to a new purpose, appears scarcely accurate, if closely examined; for the strength of an ordinary labourer is clearly as much an 'appropriated natural agent' as the talents of a Scott. But, regarding this as a mere verbal objection, we are willing to waive it. Now, in the first place, it is obvious that, under this nomenclature, all that in common language is termed *monopoly profit*, is in future to be ranked as *rent*. So, of course, ought the high profits or high wages secured by individuals who embark in occupations which, from peculiar circumstances, are not sought after with the same intensity of competition which the actual return to capital invested in them would warrant. The first of Dr Smith's well-known causes 'of variation in profits and 'wages,'—namely, 'the agreeableness or disagreeableness of different occupations,'—ought rather to be called a cause creating a rent in some occupations. For it is clear that the extra profits realized by one who undertakes an occupation which others will not undertake, must be specifically similar to those realized in one which others *cannot* undertake, either from natural or legal difficulties. The superior disagreeableness of the business of a common informer, or an executioner, is a 'natural agent,' which these personages have 'appropriated;' just as a newly discovered power of nature is appropriated by a patentee. And Mr Senior ought, in consistency, to have called its reward a rent. This he has not done; adopting, in that case, Dr Smith's denomination of extra profit or wages. This can only have been from the consciousness that pursuing his own nomenclature to the utmost would have the appearance of a curious over-refining on estab-

lished language. But if adopted in part, it ought, for the sake of clearness, to be adopted altogether. Nay, he should have gone farther still. The wages of labourers in some countries—say India—are nearly as low as they can be : and so are their productive powers. The wages of the Pole—the Frenchman—the Englishman—rise by gradation above these : and so do also their productive powers. Their superior skill and energy, as well as the favourable circumstances which contribute to aid them, are ‘ appropriated natural agents.’ Ought not the excess of remuneration obtained by these labourers respectively above the Hindoo to be termed ‘ rent,’ as much as the excess of the gains of a Halford above those of a parish doctor ?

In the next place, it will be seen (by the example of black cloth), that fortuitous contingencies, which may raise for a time the rate of profit, are considered by him as affording a rent. Now, here we cannot but think his nomenclature not only too refined, but somewhat misleading. The fact is, that these contingencies do enter for something, although for very little, into the calculations of those who are about to undertake any business ; and are hence a portion of the causes which produce the ordinary rate of profit in that business. Thus the high gain of a miner who strikes on a vein of more valuable metal, or of a holder of black cloth on a royal decease, which Mr Senior regards as rent, we should rather consider as entering into the average return to capital in those two employments. At another time the miner may be working for a long time at a dead loss ; and it may so happen that a general mourning is not proclaimed for several years together. The extra profits obtained on the occurrence of the favourable contingency may do no more than balance the loss sustained through the unfavourable. Again, if the gains of those few who make more than average profits in any employment, are all to be termed ‘ rent’ (and any one who follows out Mr Senior’s reasoning will see that they must be so), the common doctrine of the average equality of profits should seem to be founded altogether on a misnomer. He says, as we have seen, that all that is obtained without any sacrifice, is ‘ the same thing’ with all that is obtained ‘ beyond the remuneration for that sacrifice,’—meaning, we presume, the *average* remuneration ; and, consequently, that if the first be rent, the second is so likewise. But what is the meaning of the phrase ‘ average remuneration,’ or ‘ average profit’ ? Does not the very phrase imply that some profit is above the average ? The common profits in a trade are said to be at twelve per cent when A realizes fifteen, and B, with the same amount of capital, realizes nine. According to Mr Senior, A’s extra three per cent is not profit at all, but rent. Then,

twelve per cent is not the average profit, but the highest that can be made. By the mere application of unusual abilities, and readiness in the pursuit of advantages, to the ordinary processes of retail trade, Mr Morrison—so well known in the mercantile world—has been enabled to realize large profits, and eventually an enormous fortune. According to Mr Senior's nomenclature, Mr Morrison's abilities must have yielded him a 'rent,' as much as Sir Walter Scott's. But Mr Morrison's success must necessarily have impoverished many competitors, just as Sir W. Scott may have driven many a Leadenhall-Street artisan out of the market. And unless Mr Morrison's gains have been so incredibly immense as to raise the average rate of retail profits all over the country during the period of his operations, it is clear that some other traders must have remained as far below the average as he has soared above it. Why should their inferior gains be termed 'profit,' and his partly 'profit' and partly 'rent'?

And if such a nomenclature is fallacious in the case of ordinary trades, it must be equally so, although less obviously, in respect of those which partake more of the nature of a lottery. It is one of Dr Smith's principles, that enormous prizes tend to fix the rate of profits or wages even below the average. The learned professions, for instance, 'attract competition, not so much in proportion to the real value of the contingency, as to the excess of the possible 'return over the certain outlay;' and, consequently, it is possible that the whole revenue of all three may not be sufficient to replace the capital employed, and afford the wages of a day-labourer to every member of them in addition. Such, at least, is unquestionably the case in the legal profession; although Mr Senior, with that love of paradox which he occasionally evinces, will have it that it is less of a lottery than the church. Now, the profession to which Sir Walter Scott belonged is far more hazardous than any of the three. Where there is one Sir Walter Scott, there are perhaps a few hundred individuals who obtain prizes of more or less value; there are perhaps three or four thousand who gain a bare subsistence; and perhaps twice as many who continue to present the public with their lucubrations at a dead loss. Were the whole revenue of a Scott and all his successful brethren divided equally among the tribe of authors, they would undoubtedly remain the worst paid craft in Christendom.

This being the case, we cannot see any necessity for ranking these extra gains of individual labourers as rent, which, if divided among the whole body of labourers in that employment, might not raise their average reward even above that low remuneration which alone receives the name of wages from Mr Senior. And, lastly, his definition of rent, as is confessed by himself, excludes

a condition which enters into all our ordinary notions of it ;—namely, that it is something obtained by a proprietor for the use of his property, independent of his own exertions. A land-owner cultivating his own soil does indeed obtain his surplus produce by his own labour ; but if he were to let that soil to another, he would obtain the same surplus produce ; whereas an artist, or an author, depends wholly on his own talents for his surplus remuneration.

On the whole, therefore, admitting the ingenuity of Mr Senior's nomenclature, we cannot but think that the inconvenience he incurs, by classing under the same name things so widely different, overbalances any superior clearness which he may expect to attain by it ; especially in a work professedly popular and elementary. We do not know that any shorter or plainer road is gained to the valuable conclusions of the science by establishing wages at an uniform standard as the remuneration of mere ordinary labour, or by denying the name of profits to all, that, from whatever cause, exceeds the average. We prefer to retain for rent its usual limited signification ; and allow that wages and profits are liable to extensive variations, both in the amount obtained by different classes and by different individuals.

We regret that our limits have obliged us to exhibit so imperfect a view of the contents of this valuable treatise. Or, perhaps, we ought rather to reproach ourselves for having been tempted into incidental discussions on minor points, instead of employing our space more usefully in presenting a condensed view of its general character. But this is the less a matter of regret, because we hope on some future occasion to have the author's views developed in a fuller and completer shape. Devoted as he is to his science, we cannot suppose that he means to confine himself, as he has lately done, to the practical labour of furnishing valuable hints for public measures. Without undervaluing the assistance which he has rendered in this way, we trust he will not forget the claim which abstract science has upon him still, as one especially able to correct its hypothetical results, by his own extensive practical knowledge : indeed, the specimen before us differs from all other elementary treatises on the subject with which we are acquainted, less by the depth of its theoretical views than by the peculiar manner in which observation and experience are brought to bear upon them, without any of that exclusive arrogance with which theory and practice are wont to maintain their respective independence. It is at once philosophical and popular ; presenting throughout a remarkable specimen of clearness, simplicity, and condensation of language, applied to subjects which it is often difficult to treat without harshness and obscurity.

ART. V.—*The Tribute: a Collection of Miscellaneous unpublished Poems by various Authors.* Edited by LORD NORTHAMPTON. 8vo. London: 1837.

IT is seldom that a miscellaneous collection of verses, which stands so little in need of an apologetic preface, has so good an excuse to offer for its appearance as the present. The collection had its origin in the benevolent wish to soothe the hours of sickness, and to alleviate the sufferings of a deserving man, by enabling him to relax those literary exertions under which his powers were rapidly giving way. When the idea of the work occurred, in Spring 1836, the Rev. Edward Smedley (the learned Editor of the *Encyclopædia Metropolitana*), on whose behalf it was undertaken, had already lost his hearing; and a disorder in his eyes was, to all appearance, sapping a sense still more precious. He died within a few weeks afterwards, and the project, which had been designed for his benefit, was continued for that of his family. From the apprehension that a scheme, depending on the co-operation of many individuals, might never be realized, 'the editor did not think it right to mention it to those for whose benefit it was intended, till it was so far advanced that at least it was not likely to fail from a deficiency in literary contributions. When this communication was at last about to be made, the editor found that Mrs Smedley was herself going to publish, by subscription, a volume of poems also, by her late husband, with a memoir of his life. Had this been known sooner, the editor would certainly never have undertaken the present work. He rejoices, however, that he did not know it; as, whatever may be the pecuniary result of this publication, he is sure that it must be gratifying to the feelings of Mr Smedley's friends to see this proof of the respect in which he was held.'

We should, indeed, have regretted if the accomplished editor's knowledge of the intention to publish the volume here alluded to had led to the abandonment of a project so honourable to the memory of the deceased, and so creditable both to the feelings and the talents of its contributors. Generally speaking, such a volume as the present affords no fit subject for critical notice. The end sanctifies the means, and reconciles the reader alike even to indifferent poetry and questionable prose. Criticism, if it cannot conscientiously applaud, is content to remain silent, or to say, with Dante's guide,

Giustizia gli sdegn
Non ragioniam di lor ma guarda e passa.

But the 'Tribute' has really very little to fear from critical examination. Without exhibiting any one specimen of very marked genius, or striking originality, it contains a great deal of pleasing poetry, with considerable variety of tone and subject. We have scenes from 'gorgeous tragedy,' by 'Sad Electra's poet,' Mr Savage Landor—followed by others where some anonymous contributor has his broadest 'comic sock put on,' in an Aristophanic farce, founded on the fate of the Frogs under King Log and King Stork. Wordsworth contributes a few verses—simple but sweet—and full of that pensive, unassuming morality which he links with all his pictures of nature. The names of Robert Southey, Thomas Moore, Alfred Tennyson, Joanna Baillie, James Montgomery, Bernard Barton, the Rev. W. Lisle Bowles, C. Elton, Gally Knight, G. P. R. James, appear in the list,—each furnishing some specimen (some of them, no doubt, mere trifles) in his or her particular style; whilst with these are associated other names, which we should have less readily anticipated as contributors to an Anthology of this sort; such as Mr Spring Rice and Lord John Russell—the former as the author of some very pleasing and natural lines on revisiting Trinity College, Cambridge; the latter as the translator of part of the fifth book of the *Odyssey*. Then we have some graceful and high-toned sonnets by the editor himself, Sir Aubrey de Vere, the Rev. John Eagles, the Rev. C. Strong, Mr W. Empson, and others—favourable specimens, on the whole, of that much abused and most difficult form of composition, in which we have, unfortunately, few very successful examples to exhibit.

Not the least pleasing circumstance, however, connected with the volume, is the number of poems it contains from authors of whose names we must, in many cases, confess our ignorance; but whose compositions appear to no disadvantage when placed by the side of those of higher name and established reputation. We had really no idea either of the number or effective strength of the recent additions to the grand army of Parnassus. Twenty, at least, of the contributors to this volume must have been enlisted within the last lustre; and recent as their enrolment has been, no veteran need be ashamed to 'march through Coventry 'with them.'

A volume such as this, embodying contributions from thirty or forty individuals, of all ranks, professions, tastes, and predilections, may be regarded as a sort of literary barometer, indicating, with quite sufficient truth for practical purposes, the present state and variations of the poetical atmosphere. Had the project been formed and carried into effect some twelve years ago, the index of such an instrument would have generally pointed to storm

and tempest—we should have had ‘nothing but thunder,’ or whirlwinds of tumultuous emotion drowned in torrents of tears. Nothing like ‘moderate weather,’ far less ‘set fair,’ could have been expected. It is gratifying to find that a more agreeable and settled state of things is indicated by the poetical meteorology of 1837. The Germans, not long before us, had had their *Sturm und Drang periode* (storm and stress period) in literature; under which much convulsive action in poetry was manifested on the part of their *Power-Men*, to the temporary derangement of the nerves and tastes of their countrymen. Our ‘storm and stress’ period in poetry, we rejoice to think, is now also over; for if we take up any collection of poems, such as this, a more rational, healthy, and natural tone of feeling, on the part of our writers, indicating a corresponding state of the public mind, is obvious. The melo-dramatic tricks, both of conception and execution, which debased and alloyed the real force and power of our poetical literature, and which nothing could have rendered tolerable but the unnatural confinement to which our English poetry had for some time been subjected, seem nearly exploded; in all poetry which becomes in any degree popular, contemplation is visibly assuming the ascendancy over wild and irregular action; and the sources of emotion are sought less in the low, the startling, and the transitory, than in the elevated, the calm, and the enduring. This at least is the case with the volume before us: it indicates plainly enough a decided decline in the taste for the poetry of *excitement*, and a return towards what we must always consider as the highest and truest vocation of the muse—the poetry of intellect, humanized and brought home to the heart by *sentiment* at once elevated and familiar—at once of individual and universal application.

‘But we prattle,’ as Miranda says, ‘something too wildly;’ and are beginning to forget that the only allowable object of such a notice as the present, is not to speculate on the state of poetical taste or the tendencies in literature which the volume may seem to indicate, but to lay before our readers a few specimens of what it contains. This we proceed to do, then, without farther observation; and our selections shall, in general, be made from the poetical effusions of those with whose compositions (at least in the form of verse) the public is less familiar than with those of the more distinguished contributors to the undertaking. Of these no one better deserves notice than the noble editor himself. We shall place one of his sonnets beside those of other two contributors—the Rev. Henry Thompson, and Sir A. de Vere, Bart.

Memory. By Lord Northampton.

‘ Oh Memory, thou ever restless Power,
 Recalling all that’s vanish’d from our sight,
 Thy pencil dipp’d now in the rainbow’s light,
 Now in the gloomy tints of midnight’s hour,
 From youth’s gay garden, manhood’s blighted bower,
 Culling thy varied chaplet, dark and bright—
 The rose, the rue, the baleful aconite :
 Alternating the cypress and the flower !

‘ Casting with lightning-speed thy wizard glance
 Through the long retrospect of bygone years,
 Whence, at thine hest, in dim array advance,
 Shadows of idle hopes and idle fears :
 Half cheerful is thy saddest countenance,
 Thy sweetest smile, alas, is moist with tears !’

*Sonnet. To the Memory of the late Edward Smedley, M.A.,
 Cambridge. By the Rev. H. Thompson.*

‘ Happy in life and death, loved friend, farewell !
 Happy in life ! since life’s severest woes
 At Love’s transforming smile in joy repose,
 While health is sickness where He deigns not dwell !
 Happy in death ! for with the invisible,
 With whom was here thy converse, God, and those
 Who share his vision’s bliss, thou dost unclothe
 The unbodied sense to words ineffable !
 Farewell a little space ! Taught here how brief,
 How insignificant the woes of time,
 From Earth I hope not nor regret relief ;
 But, rising to thy hopes and aims sublime,
 I’ll trust to meet thee far o’er care and grief
 In Love’s own native and immortal clime.’

On Reading an Old English Book. By Sir A. De Vere.

‘ These are the mighty foot-prints that report
 The giant form of antique Literature.
 Sinews Herculean, proportions pure,
 Strength or agility for strife or sport,
 Dexterity in fence, grace for the court,
 No meretricious jargon, to allure,
 Wrote these of old, but language to endure
 The stern regards of Time.* Ill ye assort
 With that undying philosophic spirit
 Which breathes in these warm pages, who deride
 Their scant reward of praise. Well they inherit
 The fame of a great Era, when the pride
 Of nations was in all things, loyalty,
 And trust in God, and magnanimity.’

We would gladly have made room for Mr W. Empson's stanzas on Shakspeare—vigorous, quaint, and yet natural—but, from mere want of space, are obliged to confine ourselves to his

Lines to the Cuckoo.

' Bravo, Cuckoo, call again !
Loud and louder still !
From the hedge-partition'd plain
And the wood-topt hill.

' With thine unmistaken shout
Make the valley ring !
All the world is looking out,
But in vain for Spring.

' I have search'd in every place,
Garden, grove, and green :
Of her footstep not a trace
Is there to be seen.

' Yet her servants without fail
Have observed their day,
Swallow, bat, and nightingale :—
And herself away !

' Shout again ! she knows thy call,
'Tis her muster-drum.
An she be on earth at all
She will hear and come.'

The following lines, entitled ' Love and Sorrow,' by Mr A. J. de Vere, remind us not unpleasantly of some of the best of Schiller's early lyrics :—

' Whenever under bowers of myrtle
Love, summer-tress'd and vernal-eyed,
At morn or eve is seen to wander,
A dark-eyed girl is at his side.

' No eye beholds the Virgin gliding
Unsandall'd through the thicket's glooms ;
Yet some have mark'd her shadow moving
Like twilight o'er the whiter blooms.

' A golden bow the Brother carries,
A silver flute the Sister bears :
And ever at the fatal moment
The notes and arrows fly in pairs.

' She rests her flute upon her bosom
(While up to heaven his bow he rears),

And as her kisses make it tremble,
That flute is moisten'd by her tears.

' The lovely twain were born together,
And in the same shell cradle laid,
And in the bosom of one Mother
Together slept, and sleeping played.

' With hands into each other's woven,
And whispering lips that seem'd to teach
Each other in their rosy motion
What still their favourites learn from each.

' Proud of her boy, the Mother showed him
To mortal and immortal eye,
But hid (because she loved her dearer),
The deeper, sweeter Mystery.

' Accept them both, or hope for neither,
Oh loveliest Youth, or Maid lovelorn,
For Grief has come when Love is welcome,
And love will comfort those who mourn.'

We do not profess perfectly to understand the somewhat mysterious contribution of Mr Alfred Tennyson, entitled 'Stan-zas;' but amidst some quaintness, and some occasional absurdities of expression, it is not difficult to detect the hand of a true poet—such as the author of 'Mariana,' and the 'Lines on the 'Arabian Nights' undoubtedly is—in those stanzas, which describe the appearance of a visionary form, by which the writer is supposed to be haunted, amidst the streets of a crowded city:—

' It leads me forth at evening,
It lightly winds and steals
In a cold white robe before me,
Where all my spirit reels
At the shouts, *the leagues of light,*
And the roaring of the wheels.

* * * * *

' Do I hear the pleasant ditty,
That I heard her chant of old?
But I wake—my dream is fled.
Without knowledge, without pity—
In the shuddering dawn behold,
By the surtains of my bed,
That abiding phantom cold.

' Then I rise: the eaves-drops fall
And the yellow vapours choke,

The great city sounding wide ;
 The day comes—a dull red ball,
 Wrapt in drifts of lurid smoke,
 On the misty river-tide.

‘ Through the hubbub of the market
 I steal, a wasted frame ;
 It crosseth here, it crosseth there—
 Through all that crowd, confused and loud,
 The shadow still the same ;
 And on my heavy eyelids
 My anguish hangs like shame.

* * * *

‘ Get thee hence, nor come again !
 Pass, and cease to move about,—
 Pass, thou death-like type of pain,
 Mix not memory with doubt.
 ’Tis the blot upon the brain
 That *will* show itself without.

* * * *

‘ I can shadow forth my bride
 As I knew her fair and kind,
 As I woo’d her for my wife ;
 She is lovely by my side
 In the silence of my life—
 ’Tis a phantom of the mind.

‘Tis a phantom fair and good ;
 I can call it to my side,
 So to guard my life from ill,
 Though its ghastly sister glide
 And be moved around me still
 With the moving of the blood,
 That is moved not of the will.

‘ Let it pass, the dreary brow,
 Let the dismal face go by.
 Will it lead me to the grave ?
 Then I lose it : it will fly :
 Can it overlast the nerves ?
 Can it overlive the eye ?
 But the other, like a star,
 Through the channel windeth far,
 Till it fade and fail and die,
 To its Archetype that waits,

Alas, the Archetype is dead !
And the shadow is the only one left !

Clad in light by golden gates—
 Clad in light the Spirit waits
 To embrace me in the sky.'

We had marked, had our limits permitted, some extracts from a spirited Italian ballad, by the late Lady Northampton—a striking composition, by Miss Broadstreet, entitled, 'Julia's Dream'—one or two sonnets by Mr Eagles and Mr Strong—and an address of Dido to Æneas in the Shades, by Mr Francis Hastings Doyle, which, though it suggests, somewhat unpleasantly, the recollection of the 'Laodamia' of Wordsworth, is yet forcible and harmonious. But we must be contented with expressing our strong approbation of these, as of many other contributions, which we cannot particularize; and with wishing to the 'Tribute' all that pecuniary success of which Lord Northampton speaks modestly and doubtfully, but which the benevolent motive to which it owes its origin, and the high respectability of the execution, will, we trust, soon place beyond a doubt.

ART. VI.—*History of the Inductive Sciences, from the Earliest to the Present Times.* By the REV. WILLIAM WHEWELL, M.A., Fellow and Tutor of Trinity College, Cambridge. 3 vols. 8vo. London: 1837.

THERE is no branch of knowledge which possesses so many sources of interest as that which records the history of the phenomena and laws of the physical world. It takes its origin from the earliest efforts of human reason, when man first seeks to supply his physical wants; it comprehends in its order of priesthood men of all nations and tongues; it embraces within its boundless circuit the infinitely distant star, which the most powerful telescope can scarcely recognise, and the infinitely minute atom, which the most powerful microscope cannot separate from its neighbour; it stands connected with the grandest purposes of domestic and social life; and, whilst it makes us acquainted with the vast domains of the material universe, it introduces us to their Sovereign Ruler, under whose perennial sway human reason finds its noblest exercise, and human affections their sweetest enjoyment.

It has ever been an object of high ambition to contribute to the developement of the philosophy of the universe, and men of

the loftiest attainments have come forward as the historians of one or more of the sciences which it comprehends. In the execution of these limited and general surveys of physical science, various kinds of talent have been called into exercise. While one historian is distinguished by an accurate knowledge of the subjects which pass under his review, another stands pre-eminent by the extent of his erudition and the patience of his research. In one we admire the purity of the judicial character displayed in the absence of all national and personal jealousies; in another we love the eloquent enthusiasm with which the achievements of genius are emblazoned, and the affectionate strains by which the ruffled spirit of controversy is soothed, and the inflexible integrity by which the humble and friendless competitor is placed on the same vantage ground on which wealth and power may have intrenched his rival.

These various qualities have been exhibited in different degrees by the historians of science. In the elaborate work of Montucla,* though defective in arrangement and inelegant in style, we recognise the patient industry of the historian, without any of the higher attributes of the philosopher.† In the Abbé Bossut's *History of the Mathematical Sciences*, the powers of an original mind give elevation to rapid and condensed details. In the fine historical Dissertation of Professor Playfair, prefixed to the seventh edition of the *Encyclopædia Britannica*, we find all the best qualities of the historian of science. Here, patience of research is ennobled by philosophical precision; a chaste and manly eloquence gives ornament and effect to sagacious views and perspicuous commentary; and while the functions of the judge are discharged with candour, impartiality, and tenderness, they are elevated by a generous enthusiasm for the mighty names that are summoned before his tribunal. The general view of the progress of mathematical and physical science, chiefly during the eighteenth century, which Sir John Leslie contributed to the same work, is, properly speaking, a Supplement to the Dissertation of Professor Playfair. It is written with the vigorous eloquence of that original and inventive philosopher, and though the details of discovery are not always gleaned with care, and the decisions occasionally tinged with the prejudices

* *Histoire des Mathématiques*. 4 tom. 4to.

† In referring to the works to which he owes peculiar obligations, Mr Whewell mentions that of Montucla with Delambre's continuation. He must surely mean, M. De la Lande's continuation, the only one with which we are acquainted.

which sometimes mingle themselves with the highest attainments, yet it presents a masterly sketch of one of the richest periods of scientific history, and is a noble monument to the genius and intellectual enthusiasm of its author.*

In addition to these works on the general history of physics, there are several which treat of individual sciences, and which, generally speaking, are of a superior order to those which take a wider range. The philosopher who writes the history of the science which he cultivates, brings to his task the highest qualifications. He traces, with a keener eye and a loftier interest, the first dawnings of its early course; and with a thorough knowledge of its facts, and a nice appreciation of their relative value, he awards to each past labourer the honours which he has earned, and indicates to each future aspirant the laurels which he may seize. Thus is he enabled to display the unapproached as well as the accumulated treasures of his science,—to exhibit the progressive developement of its principles, and to grasp the mighty generalizations which they embrace.

Among the men who have thus distinguished themselves, we may enumerate the great names of Bailly, Delambre, and Laplace. The history of ancient and modern astronomy by the first is, as we have elsewhere remarked, one of the most interesting books that has ever been written upon a scientific subject. His ingenious speculations respecting the early history of astronomy—the copious brilliancy of his descriptions—the eloquence with which he pleads the cause, and paints the sufferings of neglected genius—and the glowing imagery with which his lively fancy every where embellishes the general narrative, throw an air of enchantment round the most common details. Even amid the driest enumerations of facts, the attention is perpetually arrested and kept alive by the most delicate touches of nature, and the nicest discrimination of character. The loose and scattered materials which the history of astronomy often presents, are chained together in one connected narrative; and one astronomer follows another, and new discoveries spring from those which precede them, as if the progress of knowledge had been under the control of causes less accidental than those which nature has prescribed. But it is in those great and general views which constitute the peculiar province of philosophy that Bailly shines above all praise. In tracing the effects of moral causes and political institutions on the advancement of astronomy, and on

* Mr Whewell has made no reference either to the work of Bossut, or to the *Dissertations* of Playfair and Leslie.

the general progress of our species; in painting the baneful effects of an unholy superstition upon the happiness and improvement of mankind; in describing those alternate periods of languor and renovation which accompany the mighty convulsions of nations, which follow the tyranny or munificence of princes, or in which the human mind sinks without a cause into torpid inactivity, or soars without any apparent reason beyond its wonted flight; in marking the connexion between the various sciences, and estimating the mutual aid which they impart; and in anticipating the conquests which human genius has yet to achieve over vice and error throughout every region of nature, Bailly rises to a sublimity of eloquence which could be inspired only by the powerful interest which he felt in the progress of science, and for the happiness of his fellow-creatures.

With a production like this, the profound and elaborate work of Delambre, in six quarto volumes, forms, in many respects, a striking contrast. Its deep learning and extended research; its chaste and classical style; its sober and cautious views; its delicate tenderness for the reputation of great men; the minute accuracy of its details, and the sagacity of its generalizations, place Delambre at the head of the historians of science.

The beautiful specimen of astronomical history* with which Laplace concludes his *Système du Monde*, deserves to be specially mentioned. Uniting, in a remarkable degree, the majestic eloquence of Bailly with the profound sagacity of Delambre, and distinguished by the lofty tone of its philosophy, and by its glowing anticipations of the future progress of astronomy, it may be justly esteemed one of the finest productions of ancient or of modern genius.

In the work of Mr Whewell, to which we now propose to direct the attention of our readers, we are not entitled to expect that profound research, and that copiousness and minuteness of detail which characterise the histories to which we have referred. His aim was to produce a work which, though independent and comprehensive, should be subservient to the higher objects of laying before the world a view of the *Philosophy of Inductive Science*; of 'deducing lessons from the past history of human knowledge,'—of 'forming a platform on which we might stand' and look forward into the future, and of providing for every 'kind of truth methods of research as effective as those to which we owe the clearest and the purest portions of our knowledge.' But in the same proportion as these ulterior objects exonerate

* *Precis de L'Histoire de L'Astronomie.*

our author for the omission of many names and branches of enquiry which may not immediately bear on his 'Reform of the Methods' and Philosophy of Science,' yet they lay upon him the new responsibility of marshalling in just array all the prominent discoveries in physics; of tracing with cautious step their mutual connexion and dependency; and, with much tenderness for the dead, and much fearlessness of the living, of assigning to each distinguished name its due locality in the temple of science.

We could have wished to have seen the history of ancient and modern science executed without any reference to ulterior speculations, and by some learned individual who should regard it as the principal occupation of his life, and who was willing to rest his monument on its character and success. Equally desirous should we have been to find a historian, from whose mind all contemporary impressions were erased, and whose judicial spirit was unclouded with personal partialities, and with national and institutional prejudices. Along with these essential qualifications, we should have asked that reverent and cautious temper, which, while it treads lightly on the consecrated relics of the patriarchs and martyrs of science, should enter timidly those sensitive precincts, where genius and life and feeling still suffer and tremble together. And even if all these requisites had been combined, we should have made the final demand of that lofty enthusiasm which regards the intellectual condition of man as the first object of national anxiety; and which, in place of winding up the vast tablet of human reason with some equivocal and perhaps fallacious rules for its guidance, should invoke the generosity of nations in behalf of the devoted combatants in that intellectual struggle, in which the strongholds of the universe are to be forced, and the mysteries of creation and of life disclosed.—He that would acquit himself aright as the historian and champion of science, must add to his peroration the emphatic prayer, that nations may no longer confine their bounty and their laurels to him that sheddeth human blood, and whose patent of nobility has no other emblazonry but widows' and orphans' tears.

Although Mr Whewell does not, in our opinion, possess many of these qualifications, and probably does not hold them in the same estimation as we do, yet, with the exception of a member of his own College,* there is, perhaps, no English philosopher so well qualified for writing the *History of the Inductive Sciences*. In a special knowledge of their leading branches, and in a general acquaintance with the rest, he is not surpassed by any

* The Rev. Mr Peacock.

living author; and his forcible and perspicuous style is peculiarly fitted for this species of historical composition. As the production, therefore, of a mind so richly endowed, the volumes which we are about to analyze cannot fail to possess high merits, and must form a valuable addition to our scientific literature.

Before we proceed to give our readers some account of so important a work, we must put them in possession of the views with which Mr Whewell himself entered upon his undertaking.

‘The *Novum Organum* of Bacon was suitably ushered into the world by his *Advancement of Learning*; and any attempt to continue and extend his reform of the methods and philosophy of science may, like his, be most fitly preceded by, and founded upon, a comprehensive survey of the existing state of human knowledge. The wish to contribute something, however little it may be, towards such a reform, gave rise to that study of the history of science, of which the present work is the fruit; and the effect of these researches has been a persuasion, that we need not despair of seeing, even in our own time, a renovation of sound philosophy, directed by the light which the history of science sheds. Such a reform, when its epoch shall arrive, will not be the work of any single writer, but the result of the intellectual tendencies of the age. He who is most forward in the work will wisely repeat the confession of his sagacious predecessor—*ipse certé (ut ingenue fatear) soleo æstimare hoc opus magis pro partu temporis quam ingenii*.

‘To such a work, whensoever and by whomsoever executed, I venture to hope that the present volumes may be usefully subservient; but I trust also, that in its independent character as a history, this work may be found not altogether unworthy of the aim which its title implies.

‘It is impossible not to see that the writer of such a history imposes upon himself a task of no ordinary difficulty and delicacy, since it is necessary for him to pronounce a judgment upon the characters and achievements of all the great physical philosophers of all ages, and in all sciences. But the assumption of this judicial position is so inevitably involved in the functions of the historian (whatever be his subject), that he cannot justly be deemed presumptuous on that account. It is true, that the historian of the progress of science is required, by his undertaking, to judge of the merits of men in reference to subjects which demand a far intenser and more methodical study than the historian of practical life gives to the actions of which he treats; and the general voice of mankind, which may often serve as a guide, because it rarely errs widely or permanently in its estimate of those who are prominent in public life, is of little value when it speaks of things belonging to the region of exact science. But to balance these disadvantages, and to enable us to judge of the characters who must figure in our history, we may recollect that we have before us not the record only of their actions, but the actions themselves, for the acts of a philosopher are his writings. We do not receive his exploits on tradition, but by sight—we do not read of him, we read him; and if I may speak of my own grounds of trust and en-

couragement in venturing on such a task, I knew that my life had been principally spent in those studies which were most requisite to enable me to understand what had thus been done; and I had been in habits of intercourse with several of the most eminent men of science of our time, both in our own and in other countries. Having thus lived with some of the great intellects of the past and of the present, I had found myself capable of rejoicing in their beauties, of admiring their endowments, and, I trusted also, of understanding their discoveries and views, their hopes and aims. I did not, therefore, turn aside from the responsibility which the character of the historian of science imposed upon me. I have not even shrunk from it when it led me into the circle of those who are now alive, and among whom we move; for it seemed to me, that to omit such portions of the history as I must have omitted, to avoid thus speaking of my contemporaries, would have left my work mutilated and incomplete, and would have prevented its forming a platform on which we might stand and look forward into the future. I trusted, moreover, that my study of the philosophers of former times had enabled me to appreciate the discoveries of the present, and that I should be able to speak of persons now alive with the same impartiality, and in the same spirit, as if they were already numbered with the great men of the past. Seeking encouragement in these reflections, and in the labour and thought which I was conscious of having bestowed upon my task, I have conducted my history from the earliest ages of the speculative world up to our own days!—*Preface*, p. viii.—xii.

In the execution of his undertaking Mr Whewell has, as he himself informs us, ‘borrowed largely from other writers;’ and he has ‘done this without scruple, as the novelty of his work was ‘intended to consist not in its superiority as a collection of facts, ‘but in the point of view in which the facts were placed.’ He has likewise ‘in all cases given references to his authorities, and ‘there are few instances in which he has not verified the references of previous historians, and studied the original authors.’ Hence, as he remarks in his introduction, ‘the completeness of ‘historical views which belong to such a design, consists not in ‘accumulating all the details of the cultivation of each science, ‘but in marking clearly the larger features of its formation. The ‘historian must endeavour to point out how each of the important advances was made by which the sciences have reached ‘their present position; and when and by whom each of the ‘valuable truths was obtained of which the aggregate now constitutes a costly treasure.’*

The account which Mr Whewell has given of the physical science of the ancients occupies the half of his first volume. It is distributed into books; the *first* of which treats of the

* *Introduct.* p. 1.

'History of the Greek School Philosophy with reference to 'Physical Science;' the *second*, the 'History of the Physical Sciences in Ancient Greece,' and the *third*, the 'History of 'Greek Astronomy.'* The Greek School Philosophy is discussed in *three* chapters; the *first* of which is entitled, 'Prelude to 'the Greek School Philosophy,' the *second*, 'The Greek School 'Philosophy,' and the *third*, the 'Failure of the Greek School 'Philosophy.'

Although we do not attach much value to this part of Mr Whewell's book, yet our attention was especially drawn to the section *on the cause of the failure of the Greek School Philosophy*, from the appearance of some of those principles or rules of research which Mr Whewell has promised in another work. Regarding it as indisputable that the ancients neither 'depreciated the value of facts,' nor 'particularly neglected their use,' Mr Whewell arrives at the conclusion, that 'the radical and fatal defect in the physical speculations of the 'Greek philosophical schools' was, that though they possessed facts and ideas, *the ideas were not distinct and appropriate to the facts*. The peculiar characters of such scientific ideas he proposes to set forth more fully and formally in his ulterior work on the *Philosophy of Inductive Science*; but he states in the mean-time, that 'for each class of facts there is some special set of ideas by 'means of which the facts can be included in general scientific 'truths; and that these ideas, which may thus be termed *appropriate*, must be possessed with entire distinctness and clearness 'that they may be successfully applied.' And in another place he remarks, 'that there are certain ideas or *forms of mental apprehension* which may be applied to facts in such a manner as to 'bring into view fundamental principles of science; while the 'same facts, however arranged or reasoned about, so long as 'these appropriate ideas are not employed, cannot give rise to 'any exact or substantial knowledge.'

In order to illustrate these views by an example, Mr Whewell takes the following:—'One of the facts which Aristotle 'endeavours to explain is this; that when the sun's light passes 'through a hole, whatever be the form of the hole, the bright 'image, if formed at any considerable distance from the hole, is 'round, instead of imitating the figure of the hole, as shadows

* There is an obvious want of symmetry in this arrangement. The *third* book ought to have formed, notwithstanding its length, the *fourth* chapter of the second book. Astronomy is here placed as if it were not one of the physical sciences.

' resemble their objects. We shall easily perceive this appearance to be a necessary consequence of the circular figure of the sun, if we conceive light to be diffused from the luminary by means of straight rays proceeding from every point. But instead of this appropriate idea of *rays*, Aristotle attempts to explain the fact by saying, that the sun's light has a circular nature, which it always tends to manifest; and this vague and loose conception of a circular *quality* employed instead of the distinct conception of rays, which is really applicable, prevented Aristotle from giving a true account, even of this very simple optical phenomenon.

With every anxiety to understand this passage, and to get possession of any thing like a principle of scientific research, we must confess ourselves unable to apprehend the import, and to perceive the utility of this doctrine of appropriate ideas. When Aristotle saw the phenomenon of luminous circles formed by small apertures of all shapes, he did nothing more than our best philosophers do in hazarding an erroneous conjecture respecting its cause; but he committed the error of not examining the truth of his conjecture by new experiments. Had he admitted the sun's light through a small circular hole before it fell upon his differently shaped apertures, he would have found their circular figure to disappear, and hence he might have concluded, that the sun's light was not of a circular nature. Had he made the experiment when the sun was eclipsed, he would have found that the images of the apertures were crescents like the visible portion of the sun; and by varying this experiment he would have been led to the beautiful result, that while in ordinary circumstances shadows resemble their objects, yet in the case of small apertures, the light of any luminous body forms itself beyond the aperture into an exact and inverted image of the luminous body itself. These two very different and somewhat opposite results, are both perfectly explicable by applying the idea, or rather the *fact*, that light moves in straight lines; but this fact was not so applied to the formation of images till centuries after Aristotle, though it was in his day applied to the formation of shadows. The reason of this is very obvious. The similarity of shadows to their objects is perfectly explicable, by the vague idea of parallel rays of light coming from the sun; but the phenomenon of luminous circles required for its explanation not an idea or form of mental apprehension, but the general fact, itself the result of observation and experiment, that rays proceed in straight lines, and in all directions from every point of a luminous body; and this fact involves another necessary to explain the inversion of the luminous pictures, that the very rays cross one another beyond the aperture. This

complex idea of the radiation of light was not known in the time of Aristotle, and certainly was not applied to explain the phenomenon in question till the time of Maurolycus.

When Mr Whewell, therefore, states it as the cause of the failure of the Greek philosophers *that the ideas which they possessed were not distinct and appropriate to the facts*, he is merely using new expressions, and these somewhat cabalistic, to convey the trite information, that the Greek philosophers were ignorant, like many modern ones, of the art of investigating scientific truth. This opinion may be placed in a clearer light by converting his proposition into a rule, in which form it will doubtless appear in his future work. When the young philosopher is told to account for a new phenomenon by applying to it *distinct and appropriate ideas*, he will naturally marshal the ideas that first present themselves, and though he may find many of them distinct, yet none of them may be appropriate, and the idea which he really wants may be one which is to be obtained only from new observations and experiments. Nay, it is quite probable that the most indistinct, and apparently the least appropriate, of all the ideas which even a profound study of the subject suggests, may eventually prove itself 'the spark of heavenly fire.' When the beautiful phenomenon of the colours of thin plates was discovered by Boyle, Dr Hooke endeavoured to explain it by applying the 'distinct and appropriate' idea of the interference of the pulses reflected from the first and second surface of the plate. This idea did not appear to Sir Isaac Newton to be either 'distinct or appropriate,' and he applied another which misled philosophers for more than a century. The idea of Dr Hooke was thus almost driven from science, and did not recover its importance till Dr Young demonstrated its value, by his discovery of the interference of pulses in the phenomena of inflexion. If our greatest philosophers, then, have been unable to discover and apply ideas that are appropriate to particular phenomena, till after centuries of varied observation and experiment, how vain is the hope that scientific truth is to be reached by any other process than that by which all other kinds of truth are investigated. The discovery of a new phenomenon will necessarily give rise to various conjectures as to its cause; and the number and nature of these conjectures will depend on the fancy, the knowledge, or the ingenuity of the individual. But the true philosopher will submit each conjecture, as it is formed, to the scrutiny of new observations and experiments; and even if he should find them all delusive, he will probably discover, in the researches to which they have given rise, some new fact or principle which may finally lead him to the solution of his problem.

In proceeding to give an account of the state of the physical sciences in Ancient Greece, Mr Whewell makes a few observations on the mechanical and hydrostatical discoveries of Archimedes; and in two chapters, of about three pages each, he treats of the earliest stages of optics and harmonics. The chapter on optics is exceedingly meagre and unsatisfactory. In the account of the treatise on optics ascribed to Euclid, he refers only to his arguments for the rectilinear progress of light. In like manner he passes over too hastily the optical opinions of Aristotle; and he omits to notice, even in the most passing manner, the burning apparatus of Archimedes.

The chapter on the earliest stages of harmonics evinces still greater marks of haste and imperfect research. It consists almost wholly of a fabulous story of Pythagoras, told by Nicomachus in his *Treatise on Arithmetic*; and this story is made the ground-work of an inaccurate commentary by the author. 'Pythagoras walking one day, meditating on the means of measuring musical notes, happened to pass near a blacksmith's shop, and had his attention arrested by hearing the hammers, as they struck the anvil, produce sounds which had a musical relation to each other. On listening further he found that the intervals were a fourth, a fifth, and an octave; and on weighing the hammers it appeared that the one which gave the *octave* was *one-half* the heaviest, the one which gave the *fifth* was *two-thirds*, and the one which gave the fourth was *three-quarters*. He returned home, reflected upon this phenomenon, and finally discovered, *that if he stretched musical strings of equal length, by weights which have the same proportion as those above described, they also produced the intervals above-mentioned*. This observation gave an arithmetical measure of the principal musical intervals, and made music an arithmetical subject of speculation.

'This story, if not entirely a philosophical fable, is undoubtedly inaccurate; for the musical interval thus spoken of would not be produced by striking with hammers of the weights there stated. *But the experiment of the strings is perfectly correct, and is to this day the ground-work of the theory of musical concords and discords.*'

Now, in this passage, which embraces the substance of his chapter, Mr Whewell is wholly mistaken, both in the matter of fact which he records, and in the scientific principle which he applies to it. It is not true that Pythagoras, or any of the ancient writers, ever stated any thing so obviously wrong as that the sound of a string became flatter by increasing the tension, though they undoubtedly never apprehended the law of the relation. The fact is, and it is stated in every treatise on acoustics,

that the number of vibrations is INVERSELY AS THE SQUARE ROOT of the stretching weight, and not DIRECTLY as the stretching weight, as Mr Whewell makes it.

In the remaining page of this chapter, Mr Whewell adduces this scientific legend in support of his favourite notion of 'distinct and appropriate ideas' which is again and again brought forward in the course of his work, as if it were a new principle of generalization, to which all great discoveries are to be referred. 'It may at first appear,' says he, 'that the truth, or even the possibility of this history, by referring this discovery to accident, disproves OUR DOCTRINE that this, like all other fundamental discoveries, required a DISTINCT AND WELL PONDERED IDEA as its condition. In this, however, as in all cases of supposed accidental discoveries in science, it will be found that it was exactly the possession of such an idea which made the accident possible.' In order to prove that this was the case with Pythagoras and the anvil, Mr Whewell assumes the truth of the tradition which he had previously pronounced to be inaccurate, if not entirely a philosophical fable; and he proceeds to say that 'Pythagoras, assuming the truth of the tradition, must have had an exact and ready apprehension of those relations of musical sounds which are called respectively an octave, a fifth and a fourth. If he had not been able to conceive distinctly this relation, the sounds of the anvil would have struck his ears to no more purpose than they did those of the smiths themselves. He must have had, too, a ready familiarity with numerical ratios; and moreover (that in which probably his superiority most consisted) a disposition to connect one notion with the other—the musical relation with the arithmetical, if it were found possible. When the connexion was once suggested, it was easy to devise experiments by which it might be confirmed.'

We must acknowledge ourselves incapable of appreciating the force of this argument. Mr Whewell has, we think, neither proved the existence of any 'well pondered idea' as the condition of the discovery, nor has he shown that the idea was more likely to precede than to follow the experimental enquiry. But what we most of all object to is the broad assumption, that all fundamental discoveries require a 'distinct and well pondered idea' as their condition. It cannot, we think, be questioned that many of the finest discoveries in science have been the result of pure accident. By the accidental placing of a rhomb of calcareous spar upon a book or a line, Bartholinus discovered the property of the *Double Refraction* of light. By accidentally combining two rhombs in different positions, Huygens discovered the *Polarisation* of light. By accidentally looking through a prism of

the same substance, and turning it round, Malus discovered the polarisation of light by reflection; and by placing thin crystal-line films between two similar prisms or rhombs, M. Arago discovered the phenomena of polarized tints. Now all these are fundamental discoveries, in which no appropriate ideas had any share; and which, though they were all made by men of the most distinguished talents, and pursued with the most consummate dexterity, might nevertheless have been made by the most ordinary observers.

Having come into collision with Mr Whewell at the very outset of our journey, both with respect to the materials of his narrative, and the processes of reasoning which he applies to them, we fear that, from the railway velocity with which he pursues his course, and the necessary rapidity of ours, we may meet with obstructions which shall detain us too long from the principal object of our journey. We shall therefore pass over very cursorily the subjects of Astronomy, Mechanics, and Hydrodynamics, not only because the history of these sciences has been written on the broadest plan, and with the most minute detail, by a great variety of distinguished writers; but because the peculiar merit of Mr Whewell's work consists in that part of it which treats of the more modern sciences of Optics, Chemistry, Mineralogy, and Natural History.

After a detailed account of the Greek astronomy, which he discusses in five chapters, the *first* of which is entitled 'Earliest Stages of Astronomy,' the *second*, 'Prelude to the Inductive Epoch of Hipparchus,' the *third*, 'Inductive Epoch of Hipparchus,' and the *fourth*, 'Sequel to the Inductive Epoch of Hipparchus,' our author proceeds to the 'History of Physical Science in the middle ages, or a view of the stationary period of Inductive Science.' This part of the work, occupying 180 pages, is, in our opinion, extended beyond the importance of the subjects which it embraces. It treats, in five chapters, of the Indistinctness of the Ideas of the middle ages,—of their commentatorial spirit, their mysticism, their dogmatism, and their progress in the arts; and these chapters are broken down into thirty subordinate topics, which are not likely to be of much use in the developement of the inductive philosophy. But even if they should be of greater service than we at present perceive, we cannot for a moment doubt that they might have been profitably replaced, by a closer and fuller developement of several of the leading discoveries in optics, and other modern sciences, which Mr Whewell has been obliged, for want of space, to treat slightly, or to omit wholly.

Mr Whewell proceeds in his *fifth* book to the 'History of

' Formal Astronomy after the Stationary Period ;' and he discusses the various topics which it includes, in *five* chapters, entitled ' Prelude to the Inductive Epoch of Copernicus,' ' Inductive Epoch of Copernicus,' ' Sequel to the Inductive Epoch of Copernicus,' ' Inductive Epoch of Kepler,' and ' Sequel to the Inductive Epoch of Kepler,'—including the reception, verification and extension of the elliptical theory. The next book treats of the mechanical sciences ; and this is followed by the History of Physical Astronomy, divided into six chapters, entitled Prelude to the Inductive Epoch of Newton, the Inductive Epoch of Newton, Sequel to the Epoch of Newton, Discoveries relative to the Newtonian Theory, and the Instruments and aids of Astronomy during the Newtonian period.*

The history of modern astronomy given by Mr Whewell is an admirable epitome of the science ; and contains many original and just views respecting the causes of the decline and the revival of astronomical discovery. His account of the discoveries of Copernicus, Kepler, Galileo, and Newton, possesses a peculiar interest, and ought to be perused by every student who is about to engage in original research. The view which he has given of the intellectual character of Kepler is founded on a just apprehension of the mental process by which discoveries are made, and cannot fail to be of use not only to the cultivators of science in general, but to those who wish to prepare the minds of the young for the investigation either of physical or of moral truth.

' We may venture to say, that advances in knowledge are not commonly made without the previous exercise of some boldness and license in guessing. The discovery of new truths requires, undoubtedly, minds careful and scrupulous in examining what is suggested, but it requires, no less, such as are quick and fertile in suggesting. What is invention, except the talent of rapidly calling before us the many possibilities, and

* Mr Whewell has committed a mistake in the section of this chapter, which treats of telescopes. ' In the present century,' he says, ' Fraunhofer in Germany succeeded in forming lenses of flint-glass, of a magnitude till then unheard of, and this art descended to his successors, ' Utzschneider in that country, and Guinand in Paris.' It was the elder Guinand, a Swiss peasant, who first discovered the art of making large lenses of flint-glass free of stræ, and he was induced by Fraunhofer to enter into his service at Munich. Mr Whewell ought to have noticed the largest lenses ever made, now in the possession of Sir James South and Mr Cooper, and executed by distinguished French artists. As he mentions that achromatic object-glasses, a foot in diameter, and twenty feet, are no longer impossible, we infer that he is not aware of their actual existence and use in English observatories.

selecting the appropriate one? It is true, that when we have rejected all the inadmissible suppositions, they are quickly forgotten by most persons; and few think it necessary to dwell on those discarded hypotheses, and on the process by which they were condemned, as Kepler has done. But all who discover truths must have reasoned upon many errors to obtain each truth; every accepted doctrine must have been one selected out of many candidates. In making many conjectures, which on trial proved erroneous, Kepler was no more fanciful or unphilosophical than other discoverers have been. Discovery is not a "cautious" or "rigorous" process in the sense of abstaining from such suppositions; but there are great differences in different cases, in the facility with which guesses are proved to be errors, and in the degree of attention with which the error and the proof are afterwards dwelt on. Kepler certainly was remarkable for the labour which he gave to such self-refutations, and for the candour and copiousness with which he narrated them; his works are in this way extremely curious and amusing, and are a very instructive exhibition of the mental process of discovery. But in this respect I venture to believe they exhibit to us the usual process, somewhat caricatured, of inventive minds. They rather exemplify the *rule* of genius than (as has generally been hitherto taught) the *exception*. We may add, that if many of Kepler's guesses now appear fanciful and absurd, because time and observation have refuted them, others, which were at the time equally gratuitous, have been confirmed by succeeding discoveries in a manner which makes them appear marvellously sagacious—as, for instance, his assertion of the rotation of the sun on his axis, before the invention of the telescope, and his opinion that the obliquity of the ecliptic was decreasing, but would, after a long-continued diminution, stop, and then increase again.

‘We may notice, as another peculiarity of Kepler's reasonings, the length and laboriousness of the processes by which he discovered the errors of his first guesses. One of the most important talents requisite for a discoverer is the ingenuity and skill which devises means for rapidly testing false suppositions, as they offer themselves. This talent Kepler did not possess; he was not even a good arithmetical calculator, often making mistakes, some of which he detected, and laments, while others escaped him to the last. But his defects in this respect were compensated by his courage and perseverance in undertaking and executing such tasks; and, what was still more admirable, he never allowed the labour he had spent upon any conjecture to produce any reluctance in abandoning the hypothesis, as soon as he had evidence of its inaccuracy. The only way in which he rewarded himself for his trouble was, by describing to the world, in his lively manner, his schemes, exertions, and feelings.

‘It appears, then, that we may consider Kepler's character as containing the general features of the character of a scientific discoverer, though some of the features are exaggerated, and some too feebly marked. His spirit of invention was undoubtedly very fertile and ready, and this and his perseverance served to remedy his deficiency in mathematical artifice and method; but the peculiar physiognomy is given to his intellectual

aspect, by his dwelling, in a most prominent manner, on those erroneous trains of thought which other persons conceal from the world, and often themselves forget, because they find means of stopping them at the outset.'—P. 411-414.

And he has expressed similar opinions when speaking of the Discoveries of Copernicus.

'The tendencies of our speculative nature, which carry us onwards, in pursuit of symmetry and rule, and which thus produced the theory of Copernicus, as they produce all theories, perpetually show their vigour by overshooting their mark. They obtain something by aiming at much more. They detect the order and connexion which exist, by imaginary relations of order and connexion which have no existence. Real discoveries are thus mixed with baseless assumptions; profound sagacity is combined with fanciful conjecture; not rarely, or in peculiar instances, but commonly, and in most cases; probably in all, if we could read the thoughts of the discoverers as we read the books of Kepler. To try wrong guesses is apparently the only way to hit upon right ones. The character of the true philosopher is, not that he never conjectures hazardously, but that his conjectures are clearly conceived and brought into rigid contact with facts. He sees and compares distinctly the ideas and the things—the relations of his notions to each other and to phenomena. Under these conditions, it is not only excusable, but necessary for him, to snatch at every semblance of general rule—to try all promising forms of simplicity and symmetry.'*—Vol. i. p. 373.

In approaching the period of Galileo's condemnation and imprisonment, we felt some anxiety to see the view which Mr

* These views bear a striking similarity to those contained in the following extract from the late *Life of Sir Isaac Newton*; and had Mr Whewell been aware of this he would no doubt have referred to them in confirmation of his own observations:—

'Nothing even in mathematical science can be more certain than that a collection of scientific facts are of themselves incapable of leading to discovery, or to the determination of general laws, unless they contain the predominating fact or relation in which the discovery mainly resides. A vertical column of arch stones possesses more strength than the same materials arranged in an arch without the keystone. However nicely they are adjusted, and however nobly the arch may spring, it never can possess either equilibrium or stability. In this comparison all the facts are supposed to be necessary to the final result; but in the inductive method, it is impossible to ascertain the relative importance of any facts, or even to determine if the facts have any value at all, till the master fact which constitutes the discovery has crowned the zealous efforts of the aspiring philosopher. The mind then returns to the dark and barren waste over which it has been hovering; and by the guidance of this single torch it embraces, under

Whewell would take of this interesting portion of scientific history. In a section entitled *The Copernican System opposed on Theological Grounds*, he has discussed the subject with some copiousness of detail; but though many of his observations are just and striking, and to a certain extent conformable with the opinions to which we have been led, yet we cannot but think that he has not studied the subject with that care to which it appears

the comprehensive grasp of general principles, the multifarious and insulated phenomena which had formerly neither value nor connexion. Hence it must be obvious to the most superficial thinker, that discovery consists either in the detection of some concealed relation—some deep-seated affinity which baffles ordinary research, or in the discovery of some simple fact which is connected by slender ramifications with the subject to be investigated; but which, when once detected, carries us back by its divergence to all the phenomena which it embraces and explains.

In order to give additional support to these views, it would be interesting to ascertain the general character of the process by which a mind of acknowledged power actually proceeds in the path of successful enquiry. The history of science does not furnish us with much information on this head, and if it is to be found at all, it must be gleaned from the biographies of eminent men. Whatever this process may be in its details, if it has any, there cannot be the slightest doubt that, in its generalities at least, it is the very reverse of the method of induction. The impatience of genius spurns the restraints of mechanical rules, and never will submit to the plodding drudgery of inductive discipline. The discovery of a new fact unfits even a patient mind for deliberate enquiry. Conscious of having added to science what had escaped the sagacity of former ages, the ambitious spirit invests its new acquisition with an importance which does not belong to it. He imagines a thousand consequences to flow from his discovery. He forms innumerable theories to explain it, and he exhausts his fancy in trying all its possible relations to recognised difficulties and unexplained facts. The reins, however, thus freely given to his imagination, are speedily drawn up. His wildest conceptions are all subjected to the rigid test of experiment, and he has thus been hurried by the excursions of his own fancy into new and fertile paths, far removed from ordinary observation. Here the peculiar character of his own genius displays itself by the invention of methods of trying his own speculations, and he is thus often led to new discoveries far more important and general than that by which he began his enquiry. For a confirmation of these views, we may refer to the History of Kepler's Discoveries; and if we do not recognise them to the same extent in the labours of Newton, it is because he kept back his discoveries till they were nearly perfected, and therefore withheld the successive steps of his enquiries.'—*Life of Newton*, p. 335-337.

to us pre-eminently entitled. It is doubtless an extraordinary fact in the history of the human mind, that the very same doctrines which had been published with impunity by Copernicus—and in a work, too, dedicated to the Roman Pontiff Paul III., for the avowed purpose of sheltering them under his sacred *Ægis*—should, nearly an hundred years afterwards, when civilisation had made some progress, have subjected Galileo to all the terrors of the Inquisition. Mr Whewell assigns it as a reason for this remarkable fact, that ‘those who were disposed to assert the sway of authority in all matters of belief had not yet been roused and ruffled by the aggressions of innovators in philosophy and religion, as they afterwards were;’ and that the great religious reform which had arisen in Germany, had there shorn the church of some of its superfluous power; while ‘under the immediate shadow of the ‘Papal chair,’ philosophers were less bold in their speculations, and less open in their promulgation of heretical opinions. If we study, however, the conduct of Galileo himself, and consider his temper and tone of mind, and his connexion with a political party, unfriendly to religion as well as to the Papal Government, we shall be at no loss to account for the different feelings with which the writings of Copernicus and Galileo were received. Had the Tuscan philosopher been a recluse student of nature, who, like Copernicus, announced his opinions as accessions to knowledge, and not as subversive of old and deeply cherished errors;—had he stood alone as the fearless arbiter and champion of truth, the Roman Pontiffs would probably, like Paul III., have tolerated the new doctrine; and, like him too, they might probably have embraced it. But Galileo contrived to surround the truth with every variety of obstruction. The tide of knowledge, which had hitherto advanced in peace, he crested with angry breakers, and he involved in its surf both his friends and his enemies. When the more violent partisans of the church, in opposition to the wishes of some of its higher functionaries, and spurred on by the schoolmen, and the personal enemies of Galileo, had fixed the public attention upon the obnoxious doctrine, it would not have been easy for the most tolerant Pontiff to dismiss charges of heresy and irreligion without some formal decision on the subject. The astronomer was therefore summoned before the Inquisition in 1615, and it was decreed that Cardinal Bellarmine should enjoin Galileo to renounce his heresy, and pledge himself neither to teach nor publish it in future. But even this decree was not an unanimous one. Cardinal Maffeo Barberini (afterwards Pope Urban VIII.), and other members of the congregation concurred in opposing it; and we can therefore view

it in no other light than as a gentle expostulation with Galileo, and a necessary assertion of ecclesiastical authority.

Never doubting that Galileo would adhere to his solemn obligation, Paul V. admitted him to a long interview, and assured him that he might consider himself as safe while he occupied the Papal chair, and that the congregation of Cardinals would not lightly give ear to the calumnies of his enemies. To these proceedings the succession of Urban VIII. to the Pontificate, gave a new direction. Knowing the liberality of the Pope, Galileo and his friends set every engine to work, in order to intrench themselves in his favour. Personally attached to Galileo, as well as to Prince Cesi, the founder of the Lyncean Academy, and himself a member of that liberal body, Urban received Galileo at his palace in 1624 with distinguished consideration;—he loaded him with presents,—recommended him in the strongest terms to Ferdinand, now Grand Duke of Tuscany,—promised him a pension for his son Vincenzo; and a few years afterwards he granted to Galileo himself a pension of an hundred crowns.

In this manner did the Roman Pontiff propitiate the excited spirit of the philosopher, and declare before the Christian world that he was the enemy neither of Galileo nor of science. But the latter did not view the generosity of his patron in its right aspect. In place of regarding it as an offering of peace, he received it as one of submission. His suppressed but still rankling feelings against the Aristotelian professors, and the ignorant monks who had obtained over him a temporary triumph, were thus aroused; and with an ardour which does not belong to philosophy, he longed to plunge again into the bitter waters of controversy. Having exhausted every argument which reason could supply in favour of the Copernican doctrines, Galileo, in the pride of his new and intrenched position, resolved to assail it with the united artillery of irony and demonstration. In his *Systema Cosmicum* accordingly, published in the year 1632, he discusses the earth's motion in a dialogue, conducted by three interlocutors, one of whom, Simplicio, a follower of Ptolemy and Aristotle, was regarded as the representative of the Pope himself; and he ascribes the former decree of the Inquisition to passion and to ignorance. Urban did not hesitate a moment as to his line of conduct. He had confided too generously in the prudence and affection of his friend, and he was no longer disturbed by the conflict between his duty and his feelings. He stood forth to defend the canons of his church, and to administer its yet unrepealed laws. Galileo was condemned and imprisoned. His philosophy could not supply him with the cou-

rage of the martyr, and he dishonoured its character by the abjuration of its noblest truths.

From the history of physical astronomy Mr Whewell proceeds to what he calls the *secondary mechanical sciences*, because 'the phenomena are reduced to their mechanical laws and causes in a *secondary* manner; namely, by treating them as the operation of a *medium* interposed between the object and the organ of sense.' These sciences are acoustics, optics, and thermotics, as he calls the subject of heat. The history of acoustics is given briefly in six chapters, entitled 'Prelude to the solution of problems in acoustics,—vibrations of strings,—propagation of sound,—different sounds of the same string,—sounds of pipes,—and the different modes of vibration of bodies in general.' These chapters contain a very general but interesting account of the more recent researches of Chladni, Poisson, Cauchy, Savart, Wheatstone, the Webers, and Mademoiselle Sophie Germain; * but the details are too general to afford much interest to the reader.

Mr Whewell now proceeds to the history of Optics, which he divides into *formal*, or that which treats of the laws of phenomena, and *physical*, or that which treats of their cause. Although he considers optics as peculiarly instructive in illustrating the nature of science and the conditions of its progress, and states that it has advanced through a scale of generalizations as remarkable as that of astronomy, yet he has devoted nearly as little space to the details of its history as he has occupied with the science of the dark ages. This injudicious curtailment has not only deprived his history of much of its interest, but has led to the omission of many important discoveries which bear strongly upon the general views which it has been his principal object to signalize. We cannot but think that Mr Whewell's patience of research was exhausted when he reached this part of his plan; and though optics is the science which has made the greatest proportional advances in the present day, and therefore brings the historian more frequently into collision with his contemporaries, and imposes upon him the necessity of a more extended and accurate research, as well as of a nicer and more delicate discrimination, yet we regret to say, that we consider Mr Whewell's

* This lady is merely mentioned along with MM. Poisson and Cauchy, as having applied to the theory of the vibration of elastic surfaces the artifices of the most approved analysis. We should have been glad to have found Mrs Somerville's name in the history of Physical Astronomy.

history of optics a failure; not only in point of learning and research, but also in the justness of his decisions, and in a becoming respect for the feelings of those whom the casualties of science have placed at his judgment-seat. We cannot indeed expect from the historian of all the sciences that minute and accurate information which is indispensable in the work of him who writes the chronicle of the science which he cultivates; but in the present case, any such allowance would be misplaced; as our author had within his reach, and in his own language, more than one accurate history of recent optical discoveries, and ought to have been specially acquainted with the Rev. Professor Lloyd's '*Report on the Progress and Present State of Physical Optics*,'* —a work characterised by a thorough knowledge of the labours of others, by the most just appreciation of their value, and by the admirable delicacy and tenderness with which he treads on that border-land where no definite line marks the limits of conterminous discovery.

But it is not merely in the contemporary history of optics that we venture to think Mr Whewell has failed. His chapter on the first and most important epoch of the history of light, namely, on the '*Discovery of the Law of Refraction*,' contains almost none of the facts which it ought to contain; whilst those which it does detail are given with an incorrectness for which we cannot find even the semblance of an apology. As this important epoch of optical history has never yet been investigated with the attention which it merits, and involves the reputation of several distinguished individuals, our scientific readers will perhaps thank us for considering it with some copiousness of detail. The following is the substance of Mr Whewell's chapter:—

'The first sound views occur in the Arabian mathematician, Alhazen, who lived about 1100. In this author it is asserted (Lib. VII.) that "refraction takes place towards the perpendicular;" and reference is made to experiment for the proof. On the same ground, he states, that the quantities of refraction differ according to the magnitudes of the angles which the (*primæ lineæ*) directions of incidence make with the perpendicular to the surface; and, moreover (which shows accuracy as well as distinctness), that the angles of refraction do not follow the proportions of the angles of incidence.

'After reaching this point, there remained nothing to be done with regard to refraction, except to go on experimenting and conjecturing till the true law of refraction was discovered. * * * * The rule

* Published in the Report of the fourth meeting of the British Association held at Edinburgh. London: 1835.

which determined the amount of refraction, was naturally the next object of curiosity; and this point attracted more interest in consequence of the introduction of a correction for atmospheric refraction into astronomical calculations by Tycho, and of the invention of the telescope. Vitellio had obtained experimentally a number of measures of the refraction out of air into water and into glass. Out of the facts no rule had yet been collected, when, in 1604, Kepler published his "Supplement to Vitellio." The reader, who recollects what we have already narrated, the manner in which Kepler attempted to reduce to law the astronomical observations of Tycho—devising an almost endless variety of possible formulæ, tracing their consequences with undaunted industry, and relating with a vivacious garrulity his disappointments and his hopes—will not be surprised to find that he proceeded in the same manner with regard to Vitellio's Tables of Observed Refractions. He tried a variety of constructions by triangles, conic sections, &c., without being able to satisfy himself; and he at last is obliged to content himself with an approximate rule, which makes the refraction partly proportional to the angle of incidence, and partly to the secant of that angle. In this way he satisfies the observed refractions within a difference of less than half a degree each way.

‘When we consider how simple the law of refraction is (that the ratio of the sines of the angles of incidence and refraction is constant for the same medium), it appears strange that a person attempting to discover it, and drawing triangles for that purpose, should fail; but this lot of missing what afterwards seems to have been obvious, is a common one in the pursuit of truth.

‘The person who did discover the law of the sines was Willebrord Snell, about 1621; but the law was first published by Descartes, who had seen Snell's papers. Descartes does not acknowledge this law to have been first detected by another; and, after his manner, instead of exhibiting its reality by reference to experiment, he pretends to prove *à priori* that it must be true, comparing, for this purpose, the particles of light to balls striking a substance which accelerates them.’—Vol. ii. p. 345-7.

Mr Whewell's preliminary statement that the first sound views of refraction occur in Alhazen, is a very incorrect one. Every thing that is contained in Alhazen's book, and a great deal more, was discovered by Claudius Ptolemy,* the celebrated astronomer of Alexandria, a thousand years before the time of Alhazen! The work which contains his discoveries on refraction is entitled *Ptolemæi optiæcorum sermones quinque ex Arabica Latine versi*. It existed in the days of Roger Bacon; and it was known from those authors who had seen it, to have treated fully the important subject of astronomical refractions. Montucla informs us

* Ptolemy flourished at the end of the first century.

that a work under the above title is inserted in the Catalogue of the Bodleian Library at Oxford. M. Laplace had also stated in his *Système du Monde*, that there was a similar MS. in the Royal Library at Paris; and hence M. Humboldt was induced to search for it, and to put it into the hands of the celebrated Delambre, who published a copious analysis of it in the *Connaissance des Temps* for 1816. The interesting manuscript at Oxford, which Professor Rigaud had the kindness to examine at our request, is in the Savilian Library, and had been the property of Sir Henry Savile himself. Now, this MS. contains many most important experiments and results, which it is not here our business to exhibit. On the subject of refraction, however, the labours of Ptolemy are peculiarly interesting. He measured the angles of refraction at all incidences, from 10° up to 80° , not only when the light entered water, but when it was incident upon glass, and upon the separating surface of glass and water. But what is still more remarkable,—Ptolemy treats the subject of atmospherical refraction with all the science of modern times! In explaining the manner in which the atmosphere refracts light, he makes use of the very same figure on which Cassini, in the seventeenth century, founded his theory; and in Delambre's opinion, his theory of astronomical refraction is much more complete than that of any astronomer previous to the time of Cassini.

That Mr Whewell should have been ignorant of the labours of Ptolemy does, we must be allowed to say, surprise us. That he should have overlooked the abstract by Delambre in the *Connaissance des Temps*, is easily understood; but that he should not have read, or looked into, a copious treatise on optics, published in Edinburgh fifteen years ago, and containing a detailed history, both of ancient and contemporary optics, is truly unaccountable; and it is equally difficult to understand how he should not have stumbled upon references to Ptolemy's discoveries, in Professor Playfair's admirable dissertation already referred to, and in the first report on optics, printed by the British Association. There appears to be only two modes of accounting for this—either that Mr Whewell has a decided repugnance to the writings of Scottish philosophers; or, what we think more likely, that he has written his work, travelling under high-pressure against time, without any of that patient research which the interests of scientific truth, and the rights of discoverers, demanded at his hands.

Mr Whewell's ignorance of Ptolemy's discoveries leads him into fresh mistakes. He speaks of Vitellio having obtained experimentally a number of measures of the refraction out of air into water and glass. But, had he compared those measures with Ptolemy's, he would have found that they are *all stolen from*

the Alexandrian philosopher ;* and that a series of fine experiments, admired as the production of the thirteenth century, were made in Egypt nearly twelve hundred years before !

It was from these experiments of Ptolemy, then believed to be Vitellio's, that Kepler laboured with such assiduity and zeal to deduce the true law of refraction. Mr Drinkwater Bethune has given a most interesting account of the attempt, † which Mr Whewell has noticed ; but the latter omits to state, what we think interesting, that Kepler endeavours to discover a law of refraction, not only in reference to the inclination of the incident ray, but also the density of the medium. Had he confined himself wholly to the study of refraction in one medium, he might have been more successful. We do not agree with Mr Whewell, that from the simplicity of the law of refraction ' it appears strange that a person attempting to discover it, and drawing triangles for the purpose, should fail ;' and Mr Whewell would probably have thought differently had he known that even Snellius's law, though a true one, was not the law of the sines, and that this law was first given by Descartes.

Mr Whewell's first statement, that Snellius discovered the law of the sines in 1621, is quite incorrect ; and his second statement, that Descartes had seen Snellius's papers, is as incorrect in fact, as it is unjust to Descartes. In support of these two statements Mr Whewell refers to Huygens' dioptrics — but Huygens makes no such statements. He gives indeed Snellius's law ; which has nothing to do with the ratio of the sines, and to prevent the possibility of a mistake, he informs us that Snellius never attended to the ratio of the sines.‡

In speaking of the unpublished volume in which Snellius had left an account of his experiments, Huygens tells us that he himself had seen it ; that *he had heard* that Descartes had also seen it ; and that he had *perhaps* derived from it that measure which consists in the sines.§ Now, this is a very different story from that of Mr Whewell, who distinctly charges Descartes with the great literary crimes of having found the law of the sines in Snellius's

* This fact will be found clearly established in the forthcoming (October, 1837) Article on OPTICS, in the seventh edition of the *Encyclopædia Britannica*, vol. xvi.

† Life of Kepler, in the *Library of Universal Knowledge*, p. 14-17.

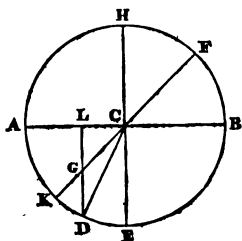
‡ Verum ad hanc sinuum proportionem nequaquam attendit Snellius.

— *Diopt.* p. 3.

§ Quæ et nos vidimus aliquando, et Cartesium quoque vidisse accepimus, ut hinc fortasse mensuram illam quæ in sinibus consistit elicuerit. — *Diop.* p. 3.

MS., and of having published it as his own, under the pretence that he had obtained it by an *a priori* process of reasoning. From such a heavy accusation we are glad to be able to exculpate Descartes. It is quite true that Snellius's MS. contains the true law of refraction. It *may be* true that Descartes saw the MS. It *is* true that Descartes discovered the law of the sines; but whether he deduced this law from Snellius's law, as Huygens thinks he may have done, or attained it by an *a priori* process of reasoning, we will not venture to decide. Having no evidence, we ought to confide in Descartes's own statement; and, *on the supposition* that he did see the MS. in question, charge him only with the minor offence of not having mentioned Snellius's labours.

As this subject is a very curious one, and has not been placed in a proper light in any history of science, we shall make no apology for explaining to our readers the nature of *Snellius's Law of Refraction*, and the peculiar advantages which belong to his mode of expressing it. According to Huygens, Snellius considered that the invention of the telescope had rendered it of more consequence to obtain the true law of refraction, and after much labour and many experiments, he was led to the following results:—



If AB is the surface of water, D any object under the water, which to an eye at F appears in the line FC. Continue FC till it meets in G a line DL perpendicular to the surface of water at L; then Snellius maintained that at every angle at which the object D was viewed, it would appear at G, and that CD was to CG in a given ratio, such as 4 to 3 in the case of water. Now, this is the true law of refraction; for CD is to CG as the sine of DGC, or LGC or HCF is to the sine of the angle CDG or DCE, that is, as the sine of the angle of incidence is to the sine of the angle of refraction. In explaining this law of Snellius, Huygens has, we think, acted uncourtously to his countryman, when he says that Snellius did not thoroughly understand what he had found out, because he did

not attend to the proportions of the sines. Now, we can scarcely conceive it possible that a good geometer like Snellius was not aware of the trigonometrical expression of his law; and we think that two distinct reasons may be assigned in favour of his own mode of expressing it. In the first place, it connects itself with the leading physical phenomenon actually observed of the apparent rise of the object D to G, and gives a measure of that rise; and, in the second place, it affords a much more simple and accurate method of obtaining by projection the refracted ray from the incident one. If CK, for example, be divided into two parts, CG, GK, so that CK is to CG in the constant ratio belonging to the refracting substance, then drawing through G the line LGD perpendicular to AB, and meeting the circle AKE in D, and joining C and D, we obtain CD for the refracted ray.*

If Mr Whewell has made such a signal failure as the historian of the first great epoch of optics, and that too in consequence of his not consulting the writings of two Scotch authors; he has not been more fortunate, and that too from the same cause, in giving an account of the two succeeding epochs which relate to the discovery of the law of dispersion, and the achromatic telescope. After noticing the speculations of Grimaldi and Descartes respecting the prismatic colours, he gives an account of Newton's great discovery of the different refrangibility of the differently coloured rays of light, in the following vague and imperfect sentence. 'He was then convinced that the different colours were 'refracted separately, and at different angles; and he confirmed 'this opinion by transmitting and refracting the rays of each 'colour separately;' and this is all he says descriptive of the nature of the discovery! He then goes on to explain the objections which were urged against it by Pardies, Linus, Lucas, Hooke, and Huygens; and to our utter surprise, he devotes nearly four pages to record the physical reveries of Goethe and of Schelling; making the most minute references to their works, while he has omitted many bright names and many brilliant discoveries.

The history of the opposition made to Newton's Analysis of White Light, is wound up with the following passage:—'Other 'objections to Newton's theory of a kind very different have 'been recently made by Sir David Brewster. He contests Newton's opinion that the coloured rays into which white light

* Had Mr Whewell consulted Professor Playfair's Dissertation, he would have found the law of Snellius accurately described, though without a diagram.

‘is separated by refraction, are altogether simple and homogeneous, and incapable of being further analysed or modified; for he finds that by passing such rays through coloured media (as blueglass, for instance), they are not only absorbed and transmitted in very various degrees, but that some of them have their colour altered; which cannot be conceived otherwise than as a further analysis of them, one component colour being absorbed, and the other transmitted.* And on this subject we can only say, as we have before said, that Newton has incontestably and completely established his doctrine, so far as analysis and decomposition by refraction are concerned; but that with regard to any other analysis which absorbing media, or any other agents may produce, we have no right, from his experiments, to assert that the colours of the spectrum are incapable of decomposition.’—Vol. ii. p. 361.

Although Mr Whewell has himself detracted considerably from the merit of Newton's discovery, by saying, that Descartes approached very near to it,† yet he will not allow any other person either to modify or extend it. The objections to which he refers in the preceding passage are not of the character which he describes, and had he looked, as he ought to have done, into the original *Memoir in the Edinburgh Transactions*, he would have found that the new facts are not given as objections to Newton's Theory, but to the *prismatic* analysis of the spectrum.

‘This unequivocal result,’ says the author of the *Memoir*, ‘of a simple experiment, at once saps the foundation of the prismatic analysis of light. Sir Isaac Newton, resting on the indications of the prism, concluded that *green* and *orange* were simple colours, and in general, “that to the same degree of refrangibility *ever* belonged the same colour; and to the same colour *ever* belonged the same degree of refrangibility;” but it is now obvious that certain *green* and *yellow* rays, and certain *red* and *yellow* rays, have the *very* same refrangibility, so that in the same medium, refrangibility is not a test of colour, nor colour a test of refrangibility.’‡ Who the other experimenters are who deny these incontestable facts we know not, and shall not trouble our-

* ‘This latter fact has, however, been denied by other experimenters.’

† This opinion, which is new to us, ought not to have been rashly hazarded. As Newton was acquainted with what Descartes had done, he ought to have mentioned the great step previously made by his rival; and if Mr Whewell is right, which we do not think he is, Newton can only aspire to the honour of having completed the near advance made by Descartes.

‡ *Transactions of the Royal Society of Edinburgh*, vol. xii. p. 125.

selves in finding out. We shall merely mention that if Mr Whewell had read the paper above referred to, he would have learned the more startling fact, that the author had discovered *white light incapable of being decomposed by the prism*,—a result not very reconcilable with Newton's ideas of *whiteness*; and one which, we think, whether it be in favour or not with his anonymous experimenters, might have been entitled to occupy a few lines of that ample space which has been so liberally conceded to the poets.

Mr Whewell's chapter of three pages on the 'Discovery of 'Achromatism,' is, we regret to say, as imperfect as that upon Dispersion. He does not even mention the name of Mr Hall, the undoubted inventor of the Achromatic Telescope; and in stating that Dollond latterly used two crown-glass lenses in place of one, he does not tell his readers the cause of the change. The part of the chapter, however, of which we most complain, is that which relates to the discovery of a *secondary spectrum*. The following passage contains all the information which is given us on this most curious branch of optics:—

'Afterwards Blair, and more recently Mr Barlow, have used fluid media along with glass lenses, in order to produce improved object-glasses; and various mathematicians, as Sir J. Herschel and Professor Airy, among ourselves, have simplified and extended the investigation of the formulæ, which determine the best combination of lenses in the object-glasses, and eye-glasses of telescopes, both in reference to spherical and *chromatic* aberrations.

'According to Dollond's discovery, the spectra produced by prisms of two substances, as flint-glass and crown-glass, would be of the same length when the refraction was different—but a question then occurred: When the whole distance from the red to the violet in one spectrum was the same as the whole distance in the other, were the intermediate colours yellow, green, &c. in corresponding places in the two? This point also could not be determined any otherwise than by experiment. It appeared that such a correspondence did not exist; and, therefore, when the extreme colours were corrected by combinations of the different media, there still remained an uncorrected residue of colour arising from the rest of the spectrum. This defect was a consequence of the property, that the spectra belonging to different media were not divided in the *same ratio* by the same colours, and was hence termed the *irrationality* of the spectrum. By using three prisms, or three lenses, three colours may be made to coincide instead of two, and the effects of this irrationality greatly diminished.'—Vol. ii. p. 364.

It would puzzle the most acute reader to unravel the confusion of ideas in the two preceding paragraphs. Dr Blair and Professor Barlow are lumped together as improvers of object-glasses with fluid media; but what the one did and what the other, it is im-

possible to find out. The beautiful discovery of the Scotch philosopher, and the exquisitely ingenious contrivance by which he theoretically and practically succeeded in constructing *aplanatic* telescopes, which, on the authority of Professor Robison and Professor Playfair, far exceeded every other instrument, is not once referred to. The contrivance of Mr Barlow is *toto cœlo* different from that of Dr Blair. In the former, a huge secondary spectrum is voluntarily encountered, and to very little purpose, in order to achromatize a large plate-glass lens with a small fluid lens; whereas Dr Blair destroyed the secondary spectrum entirely by the most skilful contrivance. In the second paragraph of the preceding extract, the *irrationality* of the spectrum, which is the cause of the uncorrected secondary colour in the common achromatic telescope, is mentioned and explained; but the reader is not informed who discovered that remarkable property,—who applied it to the improvement of the telescope,—and who investigated its phenomena through a vast range of solid and fluid bodies. We scarcely can imagine that we afford any explanation of such grave omissions when we state that the persons referred to were Scotchmen.

In the Chapter on Achromatism we might have expected *some* account of the discovery of a *tertiary spectrum*, which held out, in theory, the possibility of constructing an Achromatic Telescope with media of the *same* refractive and dispersive power; and still more might we have expected an account of the actual realization of that strange idea by the invention and construction of a telescope composed of *prisms* of the same glass; but the theory of the instrument and its construction are both due to Scotchmen, who have been rather unfortunate in having Mr Whewell as the historian of science.

We have criticised thus minutely the three first Epochs of Optical Discovery, in order to show that Mr Whewell has omitted the most important researches, and those, too, which if rightly analysed, might have afforded some useful contributions to the Philosophy of Induction. Our limits, however, will not permit us to accompany our author through the more modern epochs which embrace the period of contemporary history; and in which, to use his own words, he has imposed upon himself the difficult and delicate task of pronouncing a judgment upon the characters and achievements of all the great physical philosophers of his own day. This is, indeed, a task as delicate as it is difficult; and one from which any person might have shrunk who has not had an active share in the labours which he records. He who has earned for himself a place in the temple of science, pledges his own reputation that he will mete out to others that justice

which he expects to be measured to himself. When conflicting claims are placed at his bar, he cannot fail to deal tenderly with feelings which were once his own ;—he tries to unite hearts that misapprehension may have severed ;—and, alive to the sensibilities of genius, he will avoid questions which he cannot settle, and soothe animosities which he may be unable to allay.

‘ Et souvent deux mortels, l’un de l’autre ennemis,
S’embrassent à sa table, et retournent amis.’

DE LILLE, *L’Homme des Champs.*

Our reverend author, however, has not been so successful as the good pastor of De Lille. He has trodden, with a heavy step, on the tender and unindurated soil of recent discovery ; he has laid open wounds that have long been closed ; in the exercise of his judicial functions he has pronounced decisions on subjects which he would not take the trouble to understand ; and, in the face of facts and evidence, has deprived guiltless parties of their admitted rights.

There are many reasons why, in a work like this, it would be out of place to embody the evidence by which these assertions may be sustained ; and there are some reasons why, on the present occasion, it should not be done. The preceding pages, indeed, may almost be held as a proof of part, at least, of our statement ; and we shall, therefore, confine ourselves chiefly to a few supplementary details.

In substantiating our charge against Mr Whewell, of doing violence to the feelings of living philosophers, we run the risk of committing the offence which we deprecate, of reviving forgotten animosities ; but if such a result should flow from our brief commentary, the blame cannot justly fall upon us. The following passage could scarcely have been written, we think, without the conviction that it would excite the most disagreeable feelings.

‘ The question of priority of discovery respecting these facts and their laws, excited some national jealousy. The following is the manner in which M. Arago, writing anonymously, spoke on this subject : “ Dr Brewster, in publishing his experiments in 1813, says that they were made before he had seen M. Arago’s paper, and even before any of his countrymen had any knowledge of what had been done in France. (*Edinburgh Encyclopedia*, Art. *Optics*, p. 587.) We must take Dr Brewster’s word for the first part of this assertion ; but since an extract of M. Arago’s Memoir was inserted in the *Moniteur* on the 30th of August, 1811, there would be some difficulty in *proving* the truth of the second part.”

‘ And M. Biot complains of Dr Brewster’s Memoir of 1818, as not drawn up in the principles of mutual indulgence. He allows to the British philosopher that he explained how the deviations of the colours from Newton’s scale, are produced by the influence of two axes ; and

that he gave for the coloured curves a law, empirical indeed, but very faithfully predicting the varieties of their forms; but he justly claims for himself the merit of having given the first formula which represented the apparently anomalous succession of colours in a biaxial crystal, namely, Siberian Mica.'—Vol. ii. p. 387.

Having thus disproved his own assertion that the jealousy here referred to was a national one, by taking a part against his own countryman, and in a matter too where *no question of priority* exists, Mr Whewell proceeds, in a subsequent passage, to throw his combustible matter among the *French* philosophers.

'In the mean-time, however, a controversy between the theory of undulations and the theory of movable polarization, which Biot had proposed with a view of accounting for the colours produced by depolarizing crystals, had occurred among the French men of science; and this dispute was carried on, we may now venture to say, with very unnecessary acrimony.'—Vol. ii. p. 438.

And he concludes his running fire with the following volley against MM. Arago and Biot:

'In this and others of this author's (M. Biot's) writings, he expresses facts so entirely in the terms of his own hypothesis, that it is difficult to separate the two. In the sequel, Arago was the most prominent of Biot's opponents; and in his report upon Fresnel's Memoir on the colours of crystalline plates, he exposed the weaknesses of the theory of movable polarization *with so much severity, that these two eminent philosophers became entirely estranged from each other.*'—Vol. ii. p. 439.

In the elaborate account which Sir John Herschel* and Pro-

* The following beautiful passage, in reference to these discussions, while it does honour to its author, will justify our observations:—

'As might be expected under such circumstances, as well as from the state of political relations, and the consequent limited intercourse between Britain and the Continent at the period mentioned, *an immense variety of results could not but be obtained independently, and simultaneously, or nearly simultaneously, on both sides of the Channel.* To the lover of knowledge for its own sake, this ought to be matter of pure congratulation; but to such as are fond of discussing rival claims, and settling points of scientific precedence, such a rapid succession of interesting discoveries must, of course, afford a welcome and ample supply of critical points, the seeds of an abundant harvest of dispute and recrimination. Regarding, as we do, all such discussions, when carried on in a spirit of rivalry or nationality, as utterly derogatory to the interests, and dignity of science, and as little short, indeed, of sacrilegious profanation of regions which we have always been accustomed to regard only as a delightful and honourable refuge from the miserable turmoils and contentions of interested life, we shall avoid taking any part in them.'—*Herschel's Treatise on Light*, § 884.

fessor Lloyd have given of the optical discoveries of their contemporaries, they have never once touched those discordant strings whose jarring sounds do not offend the taste of Mr Whewell. Had he been called upon to write the biography of the eminent persons whose scientific labours he reviews, we might have found some apology for him in the general taste for excitement; but it is rather strange that an author who cannot make room for the most important discoveries, should yet be able to find space for the most trifling morsels of scandal.

But, even if the propriety of intruding personal discussions is admitted, it might have been expected that the historian and arbiter of science would have put his readers in possession of *both sides* of the question. Mr Whewell, however, does not encumber himself with such difficulties. He has not only confined himself strictly to the allegations *on one side*, but he has given these allegations in the words of the parties themselves; and it is, perhaps, as well that he has done this, as the few sentences of his own which he does add, are not what we were entitled to expect, either in point of fact, or of science.

Having thus given a specimen of Mr Whewell's method of discussing the *questiones vexatas* of anticipations of scientific discoveries, it may be interesting to observe how he treats other cases of the same kind; and whether or not, like his immortal predecessor Lord Chancellor Bacon, he evinces occasional partialities in favour of particular suitors whom misfortune has driven before his tribunal.

The polarization of light by refraction was rediscovered by two individuals after Malus, one of whom was M. Biot.

The property of the tourmaline was rediscovered by Dr Seebeck of Berlin after Biot.

The rings in calcareous spar were rediscovered by Biot and Seebeck after Wollaston.

M. Fresnel was anticipated by Dr Young to some extent in the explanation of the colours of polarizing plates; * and Mr Whewell himself informs us 'that the principle of interferences and the theory of undulations, as far as that principle depends upon the theory, was a second time established by Fresnel in France, *fourteen years* after it had been *discovered*, fully proved, and repeatedly published by Young in England; † and a few pages afterwards he says that Young 'had the satisfaction to see Fresnel rediscover, and Arago adopt his views on diffraction.'

And, to close this list, M. Arago's beautiful discovery of the phenomena of Newton's rings, when produced between a glass

* Vol. II. p. 427.

† Vol. II. p. 409, 410.

lens and a metallic reflector, was rediscovered by Mr Airy about *fifteen years* afterwards.

Now, these various rediscoveries are not only not made the ground of disagreeable discussion, as they might have been, and regarded as grounds of national jealousy, but, in the most important of them, the original discoverer is represented by our author as enjoying satisfaction in place of feeling disappointment; — a feeling which we think the correct one, when the second discoverer, as in the offensive case previously adduced by Mr Whewell, freely surrenders all the honour to his more fortunate rival. But while Mr Whewell can accommodate the tone of his discussions to circumstances, he can accommodate them also to friendship. The anticipation of Mr Airy by M. Arago is never once mentioned. The experiments of the Cambridge Professor are given by our author,* and M. Arago is deprived of all the honour of his prior discovery. Mr Airy, we are well convinced, knew nothing of M. Arago's previous labours; and though he might have some *difficulty in proving it*, yet we may safely say for him, that neither he nor any of his countrymen had any knowledge of what had been done in France.† Such are some of the advantages of not being a Scotchman!

While Mr Whewell has thus handled the nicest questions of contemporary desert with little delicacy, some partiality, and considerable injustice, he has at the same time made fearful havoc among the achievements of his heroes. The beautiful discoveries of Sir John Herschel respecting the cause of the deviation of the polarized tints from those of Newton's scale, are not only wholly omitted, but the merit of having explained their deviations is erroneously ascribed to another philosopher. Malus is robbed of his fine discovery of depolarization; Biot is deprived of his priority to Seebeck in the discovery of the property of the tourmaline; and the previous discovery of the same property in the agate and other crystals is not even mentioned. Biot's splendid researches on circular polarization are not duly honoured; and his recent discoveries respecting *dextrine*, and the nutrition and growth of corn, are never once referred to. Seebeck is deprived of the honour of having discovered circular polarization in liquids, about the same time as Biot. M. Arago has, by a transference of it to Mr Airy, been deprived of his discovery of the phenomena of Newton's rings, as developed

* Vol. II. p. 450.

† This anticipation of Mr Airy's experiments is fully stated in Professor Lloyd's Report, which Mr Whewell has more than once quoted.

by metallic reflection; and to conclude a list, which would be a very long one, were we to include the injuries done to others, M. Fresnel himself, who has received such high and well-merited praise, has been deposed from his rightful elevation, by assigning to Dr Young *the most distinguished place in the history of Physical Optics*.*

We shall now conclude our observations on Mr Whewell's History of Optical Discovery, by a few remarks on the view which he has given of the undulatory theory. In a former Article † we had occasion to notice his extravagant statements on this subject. We also are admirers, but in a more moderate spirit, of the beautiful theory of waves. We follow with delight the converging labours of Arago, Young, and Fresnel,—three inseparable and immortal names,—and we see in their sagacious speculations, the bud, perhaps even the early blossom of that gigantic tree which may yet cover with its foliage, and enrich with its fruit, the vast field of optical discovery. But truth has its high claims to notice as well as the finest theories; and it is the business of a Journal such as ours to protect it from violation. In his admiration of the undulatory theory, Mr Whewell hazards the following opinions:—‘But the phenomena became more numerous, more various, more strange:—No matter; *the theory is equal to them all*. It makes *not a single* new physical hypothesis; but out of its original stock of principles it educes the counterpart of *all that observation shows*. It *accounts for, explains, simplifies, the most entangled cases*,’ &c. &c. A few pages afterwards, ‘The undulatory theory *accounts for the phenomena of light, as completely as the theory of gravitation does for the facts of the solar system*.’ And again—‘Our end in what we have done, has been to trace the advances of optics towards perfection as a theory;—and this task we have now nearly executed as far as our abilities allow.’

In reply to these observations we must assert, in plain language, that they are wholly unfounded; and in opposition to them we maintain the following propositions:—

1. That the undulatory theory is not equal to all the phenomena.
2. That it has made new physical suppositions, and that it will require many more.

* The whole of the History of the Discovery of the Law of Extraordinary Refraction in Biaxial Crystals, and of the true axes of Double Refraction or Axes of Elasticity, is entirely erroneous.

† No. CXVIII. p. 437.

3. That it does not account for, explain, and simplify the most entangled cases.

4. That it does not account for the phenomena of light as completely as gravitation does for astronomical facts; and

5. That it is not a perfect theory.

In stating the optical discoveries which *he has omitted*, and which he says justly excite admiration, he mentions one, viz. the discovery of the phenomena and laws of absorption, which, he adds, *hitherto stand unconnected* with the theory,—that is, which the theory which accounts for the most entangled cases cannot explain. But among Mr Whewell's omitted discoveries he has forgotten other two, due to the same author, which the theory cannot touch,—namely, the *transverse fringes of grooved surfaces*, and the *phenomena of crystallized surfaces*; to which we may now add that *new property of light* which, at the last meeting of the British Association, Mr Whewell himself, Professor Lloyd, and Professor Macculagh, and the whole physical section, confessed themselves unable to explain by any theory. We are of opinion that the *dispersion of light*, even with the *new hypothesis of finite intervals*, the *dark lines in the spectrum*, and the phenomena of *metallic polarization*, are not yet brought within the pale of the theory; but we shall not press these difficulties at present, and content ourselves with asking Mr Whewell how it happens that in a fair and honest estimate of the value of the undulatory theory, he has omitted all those discoveries which it is not able to explain?

The length of these discussions compels us to make a rapid survey of the rest of Mr Whewell's book. The subjects of heat, and of the relations of air and vapour, which conclude the second volume, are treated briefly but ably, under the new coined names of *Thermotics* and *Atmology*, though with considerable injustice, as we shall see, to individual philosophers. The third volume contains short but clever sketches of Electricity, Magnetism, and Galvanism, in which the author does justice to the transcendent merits of Mr Faraday. Chemistry is next treated with some detail, and from it our author passes to Mineralogy, Botany, Zoology, Physiology, and Comparative Anatomy, terminating his labours with the History of Geology.

Our limits will not allow us to follow our author through these extensive fields of knowledge; but there is one subject of which Mr Whewell was particularly qualified to be the historian, and as to which we must say a few words. The subject to which we allude is mineralogy and crystallography, a science which, in one of its branches, was recently without laws, while in another it is still without a classification. We should, therefore, have

excused a Professor of Mineralogy for making the most of the favourite science which he had taught, and for placing its generalizations in the most favourable light; but, contrary to his practice in other branches of knowledge, he has depreciated his own subject, and treated very slightly the only general principle of which it could boast,—namely, the establishment of distinct systems of crystallization. The fourth chapter of this book is entitled *Establishment of the Distinction of Systems of Crystallization*; and the fifth, *Reception and Confirmation of the Distinction of Systems*. Now, what Mr Whewell here calls the *confirmation* of distinct systems, was their actual establishment; and the labours of Weiss, which alone preceded the *optical system*, were only *preludial to it*, while Mohs's determination of primitive forms was *confirmatory* of it. The priority of introducing this distinction of systems has been matter of controversy between these two German crystallographers; and Mr Whewell thinks that it appears, *on the whole*, that Weiss first published works in which the system is employed. Professor Weiss proposes the following divisions:—The *regular system*, the *four-membered*, the *two-and-two-membered*, the *three-and-three-membered*; and Mohs's divisions were the *tessular*, *pyramidal*, *prismatic*, and *rhombokedral* systems. The systems or classes introduced by Sir David Brewster* were *three*,—depending on differences of internal structure, and deduced from the examination of an immense number of crystallized bodies. Many of the primitive forms established by Haüy and others at first resisted this method of classification, but the author of it did not scruple to pronounce all such determinations to be incorrect. He predicted even the primitive forms of minerals that had not been examined, or that had resisted examination, and he had the satisfaction of seeing his system triumph over every difficulty. But this generalization went farther than the mere determination of the systems of crystallization in ordinary cases. It determined the system in all those cases of limiting forms, where the systems of Weiss and Mohs were wholly at fault. When a cubical crystal, for example, presented itself to the mineralogist, he could not determine whether it was a cube or a rhomb of 90° , or a prism with a square base, having its height equal to its breadth. This was the case with *Boracite*, whose primitive form was regarded by every mineralogist as the cube, while the optical system pronounced it a rhomb of 90° . Nor did the optical system stop here.

* Phil. Trans. 1818, p. 245. Wernerian Transactions, vol. iii. p. 50-557.

Its author had given a method of compounding and resolving the true axes of double refraction, to which Fresnel afterwards gave the name of *Axes of Elasticity*; and he demonstrated, that in crystals which possess three equal rectangular axes of double refraction, the forces which emanate from them will be in equilibrio in every point of the crystal, and there will be no double refraction; that in crystals with two optical axes, the three axes are of unequal intensity, while in crystals with one axis, two of the axes are equal.

By transferring these three axes to the integrant molecules of crystals, and considering that such molecules, when they exist either in a state of solution or fusion, have no double refraction, the same author arrived at the conclusion, that double refraction is produced by the attraction of aggregation, thus uniting the double refraction of pressure with the double refraction of crystallization.* By pursuing these views, he obtained an explanation of the phenomena of cleavage;† and by supposing the crystallization to take place under forces which act more or less powerfully in the direction of the different axes, or in solutions varying in density and temperature, and containing different quantities of foreign matter, we can give a rational account of isomorphism, dimorphism, and plesiomorphism; and of other remarkable phenomena in the mineral kingdom, which have hitherto resisted all explanation.

If Mr Whewell has failed, either from want of knowledge or want of will, in recording rightly, or in recording at all, the general views which his own science might have presented to him, it is not surprising that in departments of knowledge with which he is less familiar, we should meet with the same marks of haste, and of limited information. The task would be an endless one were we to show this in detail. The beautiful experiments of Fusinieri, so rich in general views, are not mentioned in the book on electricity; nor are the fine discoveries of Dutrochet recorded under the head of physiology. The whole subject of vision—the discoveries respecting the eye, the ear, and the voice, are wholly overlooked. Even the grand practical inventions of the present day,—involving as they do great scientific principles, and great national interests,—are passed by as things forgotten; and although a whole chapter is devoted to the *progress of the Arts in the dark ages*, we hear nothing more of them in the ages of meridian light! Mr Babbage's mighty inventions of the calculating engine, and the system of mechanical nota-

* Phil. Trans. 1830, p. 87.

† Ib. p. 92.

tion, are never once named; and balloons, and steam-boats, and steam-guns, and gas illumination, and locomotive engines, and railways, are all extinguished in the blaze of the luminiferous ether!

These and other extraordinary omissions and oversights which we have already pointed out, are doubtless owing to our author's rapid march, as well as to his impatience of enquiry. But in taking a general glance at the materials of his work, we think we can perceive system even in his errors; and we do not hesitate to say, that the generalization which he has most successfully pursued is that of grossly neglecting the claims of the philosophers and authors of Scotland. We shall not enquire how far the animadversions of Playfair, of Leslie, of Brougham, and of other eminent Scotsmen, may have excited unfriendly feelings in our sister universities; and still less shall we enquire to what degree personal and even political feelings may have mingled their poison in this injustice towards our intellectual home. We shall content ourselves with submitting to our readers a brief outline of the evidence upon which we have ventured to give utterance to this deep and painful conviction.

Mr James Gregory's independent discovery of the Law of the Sines is not mentioned in the chapter on refraction, nor any of his other labours recorded; Maclaurin's admirable Account of Newton's Discoveries is not even named, and his scientific researches doomed to almost total silence. The noble Dissertations of Playfair and Leslie on the History of Science seem to have been thought unworthy of notice. The mineralogical survey of Shehallien and the correct deduction of the earth's density by the former, is not even noticed in a separate section on that interesting subject.* Sir John Leslie is contemptuously treated in reference to his Theory of Heat. His photometer and other meteorological inventions are omitted; and his hygrometer is not even named in a paragraph on that instrument, where even Dalton's piece of *whipcord* is respectfully immortalized. Mr Watt's claims to the discovery of the composition of water do not seem to be

* In this section, where Dr Hutton's result is *intended* to be given, his *measure of the earth's density* is not recorded, though the measure of Cavendish, which is given, is compared with it, and erroneously called $5\frac{1}{2}$ in place of $5\frac{1}{4}$. These defects may be thus seen and supplied:—

Mr Whewell's Information.	Earth's Density.	Correct Information.	Earth's Density.
Hutton,		Hutton,	4.5
Cavendish,	$5\frac{1}{4}$	Playfair,	4.85
		Cavendish,	5.48

known to our author;* and his splendid labours on the steam-engine are recorded in a single sentence of penurious praise. Dr Black is deprived of his grand discovery of *latent heat*; and though Mr Watt and Professor Robison have exposed the insufficiency of the claims of Deluc (who was the bosom friend of Mr Watt), yet Mr Whewell has assigned to the Swiss philosopher the priority of discovery, and afterwards divided it with Mr Wilcke of Sweden. The names of our two Hunters, and our two Monros, are just mentioned in half a line, as among the followers of a path pointed out to them, while the anatomical discoveries of the poet Göethe occupy a whole page! The founders and illustrators of the Huttonian theory are treated with the most marked injustice; and the theory itself is placed on the same level with that of Werner, as *a premature generalization*. Playfair's splendid illustrations of it are never named; and Sir James Hall's immortal experiments on heat acting under compression, are blotted out of history by the lethal stroke of Mr Whewell.

If the fathers of Scottish science have thus fallen in their own field of glory, their children may look in vain for quarter. Among the living victims of Mr Whewell's steel we may enumerate the names of Lord Brougham, Mr Ivory, Mrs Sommerville, and Sir Charles Bell. The labours in Physical Astronomy of Mr Ivory and Mrs Sommerville are obliterated from its history, excepting in the middle of a line, where the name only of the former occurs in a list of *seven* astronomers, from among whom Mr Airy is selected for distinction! Dr Ure's experiments on the force of steam are flippantly criticised; and though Mr Whewell gives a history of this class of experiments 'on account of the importance of the 'research to the useful arts,' yet he is wholly ignorant of the magnificent series of experiments on the force of steam made by Prony, Arago, and others, by order of the French Government, and with elasticities so high as *twenty-four atmospheres*.† Sir

* See Lord Brougham's *Discourse of Natural Theology*, p. 169, *Note*.

† The translator of the account of these valuable experiments makes the following appropriate remarks upon them:—'As similar experiments had never been made on elasticities above *eight* atmospheres, the committee resolved to extend them to above *twenty*, and in performing this most arduous task they have evinced the greatest ingenuity and practical skill in the construction of the apparatus, and the greatest address in conducting the experiments. The results which were obtained, cannot fail to be considered as one of the most valuable presents which science has for a long time conferred on the arts of life; and as likely to prove one of the greatest blessings to humanity. It is a reflection on England and on her successive governments that such experiments have not been long ago

Charles Bell is nearly deprived of the whole labours of his life, by giving Mr Mayo an equal claim to his principal discovery, while all his other researches are wholly unnoticed !

' We may add,' says Mr Whewell, ' to the discoveries in nervous anatomy, the remarkable one made in our own time by Sir Charles Bell and Mr Mayo, that the two offices of conducting the creative impressions from the central seat of the will to the muscles, and of propagating sensations from the surface of the body and the external organs of sense to the sentient mind, reside in two distinct portions of the nervous substance ;—a discovery which has been described to be "doubtless the most important accession to physiological (anatomical) knowledge since the time of Harvey." '—Vol. iii. p. 425.

Now, this most important discovery, the most important since the time of Harvey, is thus, as just noticed, weighed out in equal portions to Sir Charles Bell and Mr Mayo ; but if we turn to Dr Henry's able Report to the British Association, from which the whole passage in Mr Whewell is borrowed, we shall see the alchymical process by which Dr Henry's gold is reconverted into the baser metals.

' These two offices,' says Dr Henry, ' of conducting creative impressions from the central seat of the will to the muscles, and of propagating sensations from the surface of the body and the external organs of sense to the sensorium commune, have been of late years shown to reside in distinct portions of the nervous substance.

' *The honour of this discovery*, doubtless the most important accession to physiological knowledge since the time of Harvey, *belongs exclusively to Sir Charles Bell*. It constitutes, moreover, *only a part of the new truths which his researches have unveiled*.'

Dr Henry goes on to give an account of the valuable labours of MM. Magendie and Flourens (wholly omitted by Mr Whewell), as *confirming* those of Sir Charles Bell ; and he concludes with an account of Mr Mayo's able researches, which he charac-

made under their direction ; it is a reflection on our public institutions, which ought in matters of science to advise and stimulate the government ; it is a reflection on the characteristic benevolence of our countrymen, that means should not have been taken to avert the tremendous calamities of explosion by steam. But in proportion as it was the duty of England, where every thing but intellectual labour is carried on by steam, to have originated and completed such an enquiry ; in the same proportion is it honourable to the French Government,—to the Academy of Sciences, and to the eminent committee whom they appointed,—to have achieved so important a work."—*Edinburgh Journal of Science*, 1830, No. V. N.S. p. 90.

terises as correcting *some errors of detail* in the system of the former.

In concluding our notice of Mr Whewell's volumes, we must regret our inability to speak more favourably of a work composed with so much haste, and breathing so sectarian a spirit. To the character of an independent history of the inductive sciences, or of a 'comprehensive survey of the existing state of human knowledge,' it has no claim; nor, looking to its ulterior aim, can we permit ourselves to believe that on such a pedestal the stately column of a higher philosophy can be reared. To us, indeed, such an attempt appears utterly hopeless; and if we cannot conceive how a Newton or a Laplace could give laws to inventive and original minds, still less can we imagine that heaven-born genius can be either checked or directed in its flight by those who have never imbibed its spirit nor wielded its power.

Although Mr Whewell has almost shunned the subject of scientific patronage and of national endowments for science, yet his peculiar opinions are betrayed even by his silence. He recounts the labours of Tycho without any sympathy for his exile. He sheds no tear over the hunger and griefs of Kepler. The persecution of Galileo calls forth no generous indignation. The promotion even of Newton is recorded with no expression of joy. The 'disgusts and discouragements' which threatened to paralyse the genius of Fresnel excite no angry feeling; and the noble conduct of the French Government in subsequently exempting him from all professional toil does not receive its meed of praise. In the course of his three volumes, indeed, our author expresses no interest, and, we presume, does not feel any, in the condition and fortunes of these great men who have consecrated their genius to the intellectual advancement of their species. Satisfied with deriving wealth and importance from their 'priority and place,' there are men, few, we trust, in number, who affirm that scientific glory should be its own reward, and, that 'that love of knowledge is not genuine which is 'stimulated by patronage,' nor 'those speculations free and true 'which are thus forced into being.'* With such men we have no community of feeling. They exist chiefly in the cloisters of antiquated institutions, whose prejudices even a pure religion has

* Vol. II. p. 280. Ought not the statesman, the divine, the physician, the defender of his country, and the teacher of youth, also to make their love of knowledge genuine, and their speculations free and true, by gratuitous labour?

not been able to abate, and through whose iron bars the light of knowledge and of liberty has not been able to penetrate.

If we would give dignity to science and promote its interests, we must better the condition of scientific men. If we would extend the useful arts, we must encourage inventors. If we would call forth the powers of genius, we must free it from its cares, and enable it to apply its undivided energies to the lofty purposes for which it is given. If we would excite its noblest ambition, and conjure up its mightiest spirit, we must place honours and dignities within its reach.

But it is not enough that intellectual pre-eminence be fostered in its individual efforts. It is from the union of insulated labours, and from the stimulus of combined exertions, that great achievements are to spring. The chivalry of science must be incorporated by the State, and patronised by the Sovereign; and when England shall have performed this great duty, and a Minister of Public Instruction shall preside over her Literature, her Science, her Arts, and her Schools, she will then arrest the tide which has been carrying art and science from her shores; she will then reach that position which other nations have preoccupied; and her free institutions, sustained by a pure altar and an instructed people, will acquire that permanency and strength which can only be derived from moral and intellectual greatness.

ART. VII.—*The Despatches, Minutes, and Correspondence of the Marquess Wellesley, K.G., during his Administration in India.* Edited by MONTGOMERY MARTIN. 8vo. Vols. II., III., IV., and V. London: 1837.

THESE volumes complete the series of Documents, official and demi-official, to which we called the attention of our readers last year upon the appearance of the first, and which we then described as a work of extraordinary interest. Their continuation maintains that interest to the end; and the world is now put in possession of the whole facts connected with an administration which, for the truly statesmanlike capacity displayed in every portion of it,—the genius for affairs, the civil as well as the military wisdom and energy presiding over the whole,—has certainly no superior, if it have a rival, in modern history. As this work, combining, from the variety of warlike scenes, as well as political transactions, which form its subject, the greatest enter-

tainment with solid instruction, is likely to be in every library, we shall not enter upon any particular account of its contents. But, after the remarks which we made upon Lord Wellesley's policy, in our former paper, it is peculiarly gratifying to observe the testimony borne to his merits by the East India Company; and the high value which that body sets upon this record of his proceedings, as a lesson for future governors and their subordinate agents. The Court of Directors, in their Circular to their Governments in India, of 2d June 1837, intimate that they have ordered a hundred copies of these 'Despatches and Minutes' to be sent to the different Presidencies, in addition to those which they had before transmitted; as 'containing,' they observe, 'a fund of information of incalculable value to those actively engaged in the diplomatic, legislative, and military business of India.' In announcing this proceeding to Lord Wellesley, they add (in a letter, also printed by Mr Martin in his fifth volume):—'To the eventful and brilliant period of your Lordship's government, the Court look back with feelings common to their countrymen; and anxious that the minds of their servants should be enlarged by the instruction to be derived from the accumulated experience of eminent statesmen, they felt it a duty to diffuse widely the means of consulting a work unfolding the principles upon which the supremacy of Britain in India was successfully maintained and enlarged, under a combination of circumstances in the highest degree critical and difficult.'

Although these volumes embrace the whole administration of Lord Wellesley, and detail the several important measures by which our Eastern Empire was extended and consolidated during those seven years, the larger portion is devoted to the Mahratta war, and the events connected with it. The Mysore war, to which alone our former statements and remarks were confined, receives some very important and curious illustrations in one portion of the Appendix. Upon each of these topics we have a few words to say; chiefly with the view of directing the reader's attention to the most convenient manner of studying the subject.

It will be recollected that Lord Wellesley's having discovered ample proof of Tippoo Sultan's correspondence and co-operation with France, on the taking of Seringapatam, was mentioned in our last article. Sufficient evidence of this fact had been, as we then showed, produced before the war was undertaken;—quite enough certainly to justify that war—indeed to make it no longer a matter of choice—but enough also to satisfy Lord Wel-

lesley that much more remained yet undiscovered. Upon the fall of the tyrant's capital, accordingly, the rest of his correspondence was found; and some very singular portions of it are given in the fifth volume. Those who have examined the details in the first, will do well to read this before they proceed to the rest of the work. The inextinguishable hatred of the English nation and power which breathes through the whole can well be imagined; nor have we any right to complain of it, or to blame it, any more than we have to quarrel with the warmth of his attachment for France; but though this is expressed in sufficiently lively terms when he is writing to the 'CITIZEN REPRESENTATIVES,' and even leads this Oriental revolutionist to 'acknowledge the sublimity of the new French Constitution,' and to propose 'alliance and fraternity,' it does not prevent him, in his letters to the Grand Seignior, from testifying his 'boundless satisfaction' on learning that the Turk is about to 'free his regions from the contamination of those shameless tribes' (the French), or from strenuously exhorting him, 'by word and deed, to repel those abandoned infidels.'

In examining the subject of the Mahratta war, the reader will do well to begin with a very able paper of Lord Castlereagh, then at the head of the India Board, and containing his objections to the policy of the treaty of Bassein, which led ultimately to that war. It is a singular circumstance, and strikingly illustrates the evils of governing vast dominions on the other side of the globe, that Lord Castlereagh states all his doubts and objections, in March 1804, to the policy which had been pursued from the latter end of 1802, but had been resolved upon, both in this country and in India, long before; that his Lordship gives, as the reason for not having earlier stated, or indeed been aware of those objections, his having been prevented from reading the long series of the negotiations with the Court of Poonah by 'a variety of other important subjects pressing upon his attention,' during the eighteen months he had been in office, until the letters just received 'announced the probability of a rupture with the Mahrattas;' and, that long before his statement, with the suggestions which he grounds upon it as fit to guide the Indian negotiations, could reach Calcutta—nay, before the statement was committed to paper in Downing Street—the Mahratta war had broken out; had been prosecuted, by a series of the most signal victories, to a successful conclusion; and had been closed by a treaty of peace, signed 30th December, 1803,—Lord Castlereagh's paper being despatched, 4th March, 1804. That paper, however, deserves great attention. It can-

didly admits that Lord Wellesley was authorized, by his instructions from home, to form some such alliance as he did with the Peishwah; it further admits, that the principle of a subsidiary arrangement had been subsequently approved at home; but it argues that no part should have been taken with any of the Mahratta states; that a British army on their frontier, and ready to side with any one as might best secure the great object of preventing any one from overpowering the rest, and of protecting the Nizam, would have been a preferable course; and that if we were to make common cause with any of the Mahratta powers, we should have preferred almost any of the greater feudatory chiefs (the Berar Raja, Scindia, he seems even to think Holkar, who was an adventurer, and had only a temporary influence) to the Peishwah, the nominal head of the empire, and whose force was inconsiderable. These views, manifestly, as we take the liberty of thinking, erroneous, are urged with great force. But they are fully discussed, and most satisfactorily refuted in an elaborate answer by Sir Arthur Wellesley (Duke of Wellington) in a paper which is also given in the fifth volume; and no person can more conveniently study the whole subject than by first reading these two important documents before proceeding to the third and fourth volumes. It is fair to add, that notwithstanding Lord Castlereagh's objections to the past, and his doubts touching the future Indian policy, he seems to have candidly yielded to the cogent reasoning advanced by those on the spot, and to have given them his unflinching support. The conduct of Lord Sidmouth in this respect appears to have been marked throughout by great sagacity, and by that firm and courageous spirit which remarkably distinguished him; and for which, widely as those with whom we generally agree have always differed from him on many most important questions, they have never hesitated to give him all credit. That the war with Scindia, and afterwards with Holkar, was not merely justifiable, but a matter of inevitable necessity, no one can doubt. Scindia, indeed, who had distinctly admitted that the treaty of Bassein was to him unobjectionable, and in no way affected his interest, when it was originally communicated to him, not only united himself with the Berar Raja against its provisions, and for the purpose of removing the Peishwah, and again placing on the Musnud a creature of their own; not only made advances to Holkar, who had driven the Peishwah from his dominions until the British arms restored him, but declared, in plain terms, when required to give a categorical answer as to his designs, that he must wait until the Raja met him with his army, before he

‘ could say whether it was to be peace or war.’ That question, therefore, was no longer left for Lord Wellesley to decide ; and happily his determination was seconded, and his measures executed, by officers of such distinguished ability and valour as led the British army through a series of victories not surpassed in any war. By Sir Arthur Wellesley’s brilliant campaign much more admiration would naturally be excited, had he not, in Europe, so mightily eclipsed his own earlier renown. But no one can read of the splendid actions performed by Lord Lake, without feeling that the fame of this brave and skilful warrior has not been adequate to his merits. The remoteness of the scene upon which the greatest exploits were performed, with very indifferent means, and the overwhelming importance of the events which, at the same time, engrossed all men’s minds nearer home, have caused the actions of this eminent person to be far less celebrated than, in happier circumstances, they must have been. Nor can any one read his despatches, and his private letters, without the greatest admiration of the kindly disposition and the genuine modesty which they every where display.

In closing these few remarks, we must express our regret that the editor has not given more space to documents connected with the Governor-General’s measures respecting the encouragement of learning and scientific pursuits ; the suppression of the Sangurs or human sacrifices ; the aid to missionaries, and precautions respecting them, and other philanthropic objects—objects of an universal and personal interest, and to which we the more regret that more room has not been assigned in these volumes, because the documents which do relate to them, especially those concerning the Calcutta College, and the instructions to promote researches in Natural History, show plainly how anxiously Lord Wellesley’s attention was directed to the arts of peace. The defect might be supplied in the publication, which has been promised, of the Despatches relating to European affairs, when his Lordship was in office, after his return from India.

ART. VIII.—*The Life of THOMAS JEFFERSON, third President of the United States; with parts of his Correspondence never before published, and Notices of his Opinions on questions of Civil Government, National Policy, and Constitutional Law.* By GEORGE TUCKER, Professor of Moral Philosophy in the University of Virginia. 2 vols. 8vo. London: 1837.

AFTER Washington and Franklin, there is no person who fills so eminent a place among the great men of America, as Jefferson. Whether we regard his important services in the revolutionary contest, or his subsequent assertion of the principles upon which the separation was undertaken,—both while he filled a subordinate station in Washington's presidency, thwarted by his colleagues, as well as at variance with his chief, and while he administered himself the government of that free and prosperous country,—no reasonable doubt can be entertained, that to his enlightened views and to the firmness of his character, it is indebted for much of that freedom and prosperity. While his enemies have admitted the integrity of his conduct, and the undeviating consistency with which he acted upon the principles professed by him for upwards of half a century, marked by mightier changes and more perplexing difficulties than perhaps the history of nations ever before recorded, he was, during the last twenty years of his public life, the recognised leader of the party which had effected the first, possibly the most remarkable of those revolutions, and the one that has had the greatest influence upon the fortunes of mankind. As the only charge against him, whilst engaged in state affairs, related to the vehemence of his republican opinions, and the prejudices connected with them in regard to the foreign policy of his country, so almost the only question that can now be raised concerning his merits, must be upon the extent of the benefits which America owed to him, and the degree in which he possessed those qualities ascribed to him by his admirers. That he was a great man, and a great public benefactor, can only be denied by those whom the prejudices of national or of party animosity on either side of the Atlantic, render blind to the merits of a republican and an American. But even they who judge him the least fairly and calmly, will be ready to admit, that the account of such a man's life, drawn from authentic sources of information, and given with a singular freedom from partiality in its substance, as well as of affectation in its execution, forms a very valuable addition to the stock of our political and historical knowledge; and this praise cannot be withheld

from the work of Professor Tucker, which is now before us. A consideration of the subject of it will direct our attention, not only to the remarkable person whose history it records, but to several matters of great interest to other countries as well as the United States.

The book is dedicated appropriately to Jefferson's successor in the Presidency, James Madison, who shared in his opinions, and was his steady and attached friend in private life, as he had been his zealous and conscientious supporter in public. From this able and excellent person the author derived much assistance in the performance of his task; he having both 'kindly answered his 'enquiries and guided his researches.' To him application was made on all matters of doubt; much of the information was derived from him; and he revised nearly the whole of the first volume. It is an affecting circumstance, that when the dedication was sent to Mr Madison, he delayed answering the letter which enclosed it for some months, his health being in a very feeble state, and those about him dreading the effects of any exertion; but at last being determined to delay giving his sanction no longer, he said, 'there was no time to lose;' and on the 27th June 1836, only thirteen hours before he expired, he dictated, and with considerable effort, signed a letter, which the author has very properly printed. In it, this upright and venerable statesman expresses his confidence in the author's 'capacity to do justice to 'a character so interesting to the country and to the world;' and he adds, 'It could not escape me, that a feeling of personal 'friendship has mingled itself greatly with the credit you allow 'to my public services. I am, at the same time, justified by my 'consciousness in saying, that an ardent zeal was always felt to 'make up for deficiencies in them, by a sincere and steadfast co- 'operation in promoting such a reconstruction of our political 'system as would provide for the permanent liberty and happiness of the United States; and that of the many good fruits it 'has produced, which have well rewarded the efforts and anxieties that led to it, no one has been a more rejoicing witness 'than myself.' The author has farther had the assistance of Mr Jefferson's family, especially his daughter Mrs Randolph, and of some aged friends who remembered his earlier life. He had the freest access to his papers, from his grandson and executor; and he had himself an acquaintance of twenty-seven years with the subject of his work. During the last fifteen months of his life their intercourse was 'frequent and familiar.' It must be added, that with a general coincidence of political principles, so far as belonging to the same party, Professor Tucker by no means agrees in all Mr Jefferson's opinions, and never hesitates

to express his dissent where he differs; and his disapprobation of such parts of the President's conduct as appear to deserve censure. The work may not satisfy either extreme of American party: the Federalists are not likely to forgive any one who records the useful and the successful efforts which overthrew their influence, and prevented them from regaining the ascendancy that had been propped up by the alarm of the French Revolution; the Democrats may, with the accustomed and unreasonable intolerance of faction, be more vexed at a few candid admissions, which a regard for truth and justice has drawn forth, than gratified with the clear statement of their policy, and the successful defence of it in the main. But reflecting men will give their confidence to one who has so well earned it by fairness and moderation, and whose labours received the dying sanction of so unsuspected a judge, and so tried a friend of popular rights and national independence as James Madison.

At the period of Mr Jefferson's birth,—and the same state of things continued down to the time when he entered into public life,—the constitution of society in Virginia was exceedingly aristocratical; although the tone of political feeling was, with respect to the executive government and the mother country, that of opposition frequently carried to the extremes of party violence. Indeed, these two characteristics of the Colonial body had their origin in the same circumstances. The planters living apart, and enjoying revenues which, though ample, were received in kind; and could only be spent by consumption upon the spot, exercised an habitual profuse hospitality; and had no intercourse with any but their guests or their slaves, unless when they were delegated to represent their order in the assembly, when they leagued together against the only superiors whom they ever could see, the governor and the council appointed by him. Such a class of men could not be expected to regard with any great respect the rest of the community; and that feeling of superiority was much increased by the distinction established between the families of the older and free settlers, and those who descended from indentured servants; a class of men whose necessities had caused their emigration, and made them the object of colonial enactments almost as severe as any that the common law of slavery contained against the people of colour. It is a singular and a transcendent praise of the Jeffersons and the Madisons, that, born and bred in a society so constituted, their course was marked by a uniform regard for the rights and the happiness of the whole people. Their aversion to negro slavery, and their desire, by all safe and practicable means, to eradicate this curse, as well as their own personal kindness towards the unhappy beings dependent upon their care,

are well known. But it is, perhaps, a more remarkable feature in their character that they could break through the trammels with which the prejudices of their station tended to hamper them; and could steadily place and keep before their eyes the interests of the most numerous class of society, as the object of all their public care, and even make an attention to the will of that class the governing principle of their policy. It is very possible that some may regard their doctrines upon this subject as carried to an extravagant length, and as exceptionable for want of due qualifications in certain cases; but all must admit that they held these opinions contrary to their individual interests, and at the expense of feelings which must have been deeply rooted in the minds of their order.

Thomas Jefferson was born on the 2d of April 1743, at a place in what is now the County of Albemarle, then on the frontier of the State, but which he lived to see eight hundred miles within the boundaries of the peopled country. His father's family is supposed to have come from Wales; his mother was a Randolph, of a wealthy Virginian family, 'which traces its pedigree far back in England and Scotland.' To this circumstance, he remarks, characteristically enough, in his own 'Notes,' 'let every one ascribe the faith and merit he chooses.' After passing some years at an English school, he was placed at a classical one from the age of nine to thirteen, when he lost his father; and he then was for two years under Mr Maury, a good classical scholar, from whom he obtained that knowledge in the learned languages, and cultivated that taste for their inimitable productions, which remained with him through all his after life. The late much respected Consul of the United States at Liverpool was the son of this gentleman, and a school companion of Jefferson, who continued in correspondence with him for nearly threescore years. We believe he is still alive; he certainly was at the time the work before us was written, and contributed some particulars respecting the early habits of his illustrious contemporary.

At the age of seventeen, Jefferson was sent to the College of William and Mary, where he had the good fortune to study the mathematics under Dr Small, a Scotch Professor, who attained great eminence in that science, and was, if we mistake not, brother of the late Rev. Dr Small of Dundee, whose demonstrations of Dr Matthew Stewart's general Theorems, and other works, have acquired for him so considerable a reputation in the scientific world. Jefferson appears to have been a most diligent student in philosophy as well as letters; and to have profited assiduously by the instructions of his able teacher, whose favour he enjoyed in an extraordinary degree. While at Williamsburg College he corresponded,

among others, with a friend of the name of Page ; and our author has given several of his letters which have been preserved. They relate chiefly to love-making and the gaieties incident to that age and state of mind, and which might naturally be supposed to occupy the youth of a country where early marriage was habitual. The style of the composition is pure and correct enough ; the thoughts, generally speaking, of an ordinary cast ; the levity or humour, where they intrude, as they continually do, not remarkable for grace or felicity ; but the sense, where he is serious, is exceedingly sound, and the feelings just and right. To those who used to regard, or at least to represent him as a person careless of religion, we submit the following passage, as a proof that, from his earliest years, indifference to such subjects was by no means in his nature, although he never may have been at any time warmed into enthusiasm.

‘ Perfect happiness, I believe, was never intended by the Deity to be the lot of one of his creatures in this world ; but that he has very much put in our power the nearness of our approaches to it, is what I have steadfastly believed.

‘ The most fortunate of us, in our journey through life, frequently meet with calamities and misfortunes which may greatly afflict us ; and, to fortify our minds against the attacks of these calamities and misfortunes, should be one of the principal studies and endeavours of our lives. The only method of doing this is to assume a perfect resignation to the Divine will, to consider that whatever does happen must happen ; and that, by our uneasiness, we cannot prevent the blow before it does fall, but we may add to its force after it has fallen. These considerations, and others such as these, may enable us in some measure to surmount the difficulties thrown in our way ; to bear up with a tolerable degree of patience under this burden of life ; and to proceed with a pious and unshaken resignation, till we arrive at our journey’s end, when we may deliver up our trust into the hands of Him who gave it, and receive such reward as to Him shall seem proportioned to our merit. Such, dear Page, will be the language of the man who considers his situation in this life, and such should be the language of every man who would wish to render that situation as easy as the nature of it will admit. Few things will disturb him at all : nothing will disturb him much.

‘ If this letter was to fall into the hands of some of our gay acquaintance, your correspondent and his solemn notions would probably be the subjects of a great deal of mirth and raillery, but to you, I think, I can venture to send it. It is in effect a continuation of the many conversations we have had on subjects of this kind ; and I heartily wish we could now continue these conversations face to face.’

Whilst he was yet at College, the dissensions between England and the Colonies began ; and when he was called to the Bar, in 1767, things had assumed the form of a settled conflict, which

engrossed the attention of all, and ranged every body on one or other side of the question. Mr Wythe, a lawyer of eminence under whom he studied the learning of his intended profession, had warmly devoted himself to the American party; and this naturally increased the ardour with which Jefferson, who took the same side, gave way to the prevailing enthusiasm. Being chosen, in 1767, to represent his native county in the Assembly, his professional pursuits, though not at first interrupted, gradually yielded to the superior interest of his political duties; and though he made such progress at the Bar, and showed such capacity and such knowledge as made his reaching the highest station in the law not a matter of any doubt, yet he gradually withdrew from labours which have, very rarely, been found to bear any rival occupation, and had ceased to practise after about eight years' active and increasing employment. He is represented as a good business-like speaker, though without the advantage of a clear or strong voice; but it was as a sound and accurate lawyer that he distinguished himself; and when he began to make his professional subordinate to his political pursuits, he was rising gradually, but surely, to the first rank among his brethren.

The first session after his election saw the Governor—that is the Mother Country—at issue with the Assembly of Virginia upon the question of taxation; and resolutions having been unanimously passed, the House was dissolved abruptly before the address founded upon them could be presented. The members, however, met in a tavern, and signed a non-importation agreement. To this document are affixed the names of Washington, Randolph, Henry, Lee, and Jefferson.

During the same Session, the first proposition which he ever made was brought forward; and, to his immortal honour, its object was the extinction, though gradual, of slavery, by removing those restraints upon emancipation which, in Virginia, as in all other slave colonies, had been from time to time imposed by the local legislatures. The general right of manumission, however, was not given till 1782. If any unreflecting person should undervalue the attempt with which Jefferson's political life so auspiciously commenced, we bid him only recollect that it was made in 1769,—fifteen years before any one ever denounced, as the subject of restrictive enactment, even the traffic in slaves; and nearly forty years before the word Emancipation was ever used, unless as a threat, or with the purpose of lawless violence, rather than of legislative reform.

During the three following years, the colonies confined themselves chiefly to the system of passive resistance by non-intercourse agreements, or associations; but an attempt made early

in 1773 to send a person from Rhode Island to England for trial, roused the indignation, and justly excited the apprehensions, of the other colonies. Virginia now took the foremost part; and a party in the Assembly, impatient of the extreme caution of the rest, united to promote more vigorous measures. Jefferson appears to have taken the lead upon this important occasion, and to have made the suggestion, and embodied it in Resolutions, for appointing a Committee of Correspondence to communicate with the legislatures of the other colonies,—requesting them to appoint similar committees. He declined moving the Resolutions himself, being desirous to bring forward Carr, his brother-in-law, upon so favourable an occasion for the display of his abilities; and the Assembly adopted the plan without a dissenting voice. This has very justly been reckoned the most important measure ever taken by the colonies, and the origin of all the rest. A controversy has accordingly arisen as to the quarter in which it originated. The question always lay between Virginia and Massachusetts; and Jefferson considered that the latter had, only in 1770, appointed inferior local committees; as other authorities have also stated. It now, however, appears clear from the Resolution itself, which our author has inserted, that the Massachusetts Committee was to correspond with the speakers of the other assemblies, or with such Committees of Correspondence as these may appoint; and that the only material difference in the Resolutions of Virginia was their directly calling upon those other assemblies to make the appointment. But there is one very material difference between the proceedings of the two colonies: the severe comments made in England upon a former circular which Massachusetts had addressed to the other assemblies, deterred its committee from entering into such a correspondence now; so that Virginia first carried the plan into active operation in 1773.

The Boston Port Bill extended the flames of discord next year over the whole Continent, and united the thirteen colonies in a spirit of joint resistance to a common enemy. The Governor having dissolved the Assembly of Virginia, its members met, and declaring that the design of ‘reducing the inhabitants of British America to slavery’ could no longer be doubted, recommended to the Correspondence Committee to communicate with the other similar committees upon the expediency of a General Congress. This having been approved of, and the other committees agreeing, the members elected to the Virginian House of Assembly, under the new writs issued by the Governor, met first of all in Convention, for the choice of delegates to the Congress; and Jefferson drew up instructions for those delegates. They were

considered as too bold, and the other members being startled by them, they were not adopted as Instructions; but they were printed and circulated as a 'Summary View of the Rights of 'British America.' It is a very remarkable paper; and while the effect which it produced both in England and in the colonies was powerful, it greatly increased the reputation and the influence of the author. After denying the right of 160,000 electors in Great Britain to give law to four millions (an exaggerated statement by at least a million) of Americans,—'every individual 'of whom is equal to every individual of themselves in virtue, in 'understanding, and in bodily strength,' and recounting all the grievances to which the colonies had been subjected, and peremptorily denying the right of the King to 'land a single man on 'the American shores without the same permission from the 'Colonial legislature which George II. had from Parliament 'before he could introduce the Hanoverian troops into Great 'Britain,'—it concludes with a solemn appeal to George III.

' "Open your breast, sire, to liberal and expanded thought. Let not the name of George the Third be a blot on the page of history. You are surrounded by British counsellors, but remember they are parties. Let no act be passed by any one legislature which may infringe on the rights and liberties of another. This is the important post in which fortune has placed you, holding the balance of a great, if a well-poised, empire. It is neither our wish nor our interest to separate. We are willing, on our part, to sacrifice every thing which reason can ask to the restoration of that tranquillity for which all must wish. On their part, let them name the terms, but let them be just—accept of every commercial preference it is in our power to give, for such things as we can raise for their use, or they make for ours. But let them not think to exclude us from going to other markets to dispose of those commodities which they cannot use, nor to supply those wants which they cannot supply. Still less, let it be proposed that our properties, within our own territories, shall be taxed or regulated by any power on earth but our own. The God who gave us life gave us liberty at the same time: the hand of force may destroy, but cannot disjoin them."

The Virginian Convention adopted another set of Instructions, —equally firm, but more moderate,—and chose Washington and six others, as their delegates to the Congress; which consisted of fifty-five members, met in Philadelphia, and soon filled the world with admiration of the courage that inspired, and the wisdom that guided their councils. The year after, Jefferson was named as a delegate, provisionally, in case Randolph should be required to attend his duties as Speaker of the Virginian Assembly. Before he proceeded to Philadelphia, the important step had been taken in Virginia of preparing for the defence of the colony by embodying a sufficient force; and an answer had

been prepared to the conciliatory propositions, as they were called, of the British Government. This answer was his work. It gave universal satisfaction, and was warmly approved of by Congress. The following is the concluding passage, which may be compared with any State Paper for the dignity and propriety of its sentiments, and, with the exception of one word (reunited), for the purity of its composition :

“ For ourselves, we have exhausted every mode of application which our invention could suggest as proper and promising. We have devoutly remonstrated with Parliament ; they have added new injuries to the old. We have wearied our King with supplications ; he has not deigned to answer us. We have appealed to the native honour and justice of the British nation ; their efforts in our favour have hitherto been ineffectual. What then remains to be done ? That we commit our injuries to the even-handed justice of that Being who doth no wrong, earnestly beseeching him to illuminate the councils, and prosper the endeavours of those to whom America hath confided her hopes ; that through their wise direction we may again see reunited the blessings of liberty and property, and the most permanent harmony with Great Britain.”

When he took his seat in Congress, the resolution to take up arms had been adopted, and a committee appointed to prepare a statement of the reasons for so extreme a proceeding. Mr Jefferson, whose reputation had preceded him, was added to the committee, its first report not having given satisfaction. He then drew up another paper ; but it appeared too bold to Mr Dickenson,—a man of great respectability, both for talents and integrity, but of extreme caution, and, beyond most men, anxious to the last for whatever might prevent a separation from the mother country. By him the paper was greatly altered, but the conclusion was retained. But it is probable that at this period the chief difference between those who took the more decided part, like Jefferson, and those who were deemed most moderate, like Dickenson, was in the hope which each entertained of being able to arrest what all appear equally to have regarded as a great calamity. Not only did Jefferson, and those with whom he acted, dread and abhor the war, through which alone independence could be obtained ; but they would have greatly preferred such an issue of the existing contest as should leave them still in connexion with Great Britain, though with the security of their legislative rights. The more moderate party, on the other hand, were equally resolved to hazard the utmost extremities, rather than suffer these rights to be violated ; and it is clear that the usual error was committed, in this country, of fancying those to be secret enemies of the American cause who were not even lukewarm friends, but only the more effectual as

adherents, and more formidable as adversaries, because they tempered their zeal with discretion. That even Jefferson was averse to the separation, so late as the middle of 1775, appears manifestly from parts of his correspondence cited by our author. 'My first wish' (he writes to Randolph, then Attorney-General, and who took part with England),—'My first wish is for a restoration of our just rights; my second, for a return of the happy period when, consistently with duty, I may withdraw myself from the public stage, and pass the rest of my days in domestic ease and tranquillity, banishing every desire of hearing what passes in the world. Perhaps (for the latter adds considerably to the former wish), looking with fondness towards a reconciliation with Great Britain, I cannot help hoping you may contribute towards expediting this good work.' Randolph was then leaving America for England, in consequence of the side he had taken. Jefferson adds this remarkable declaration:—'I would rather be in dependence upon Great Britain, properly limited, than on any nation upon earth. But I am one of those, too, who, rather than submit to the rights of legislating for us, assumed by the British Parliament, and which late experience has shown they will so cruelly exercise, would lend my hand to sink the whole island in the ocean.' To the same correspondent he says, towards the end of that year, 1775, after alluding to a separation as becoming inevitable,—'Believe me, there is not in the British Empire a man who more cordially loves a union with Great Britain than I do; but, by the God that made me, I will cease to exist before I yield to a connexion on such terms as the British Parliament propose, and in this, I think I speak the sentiments of America. We want neither inducement nor power to declare and assert a separation. *It is will alone which is wanting*, and that is growing apace under the fostering hand of our King.' The strong expressions in these letters are easily explained, by recollecting that they were written after the affair of Lexington, when the troops were made to butcher their fellow-citizens for the support of the King's despotic prejudices, and at the time that Englishmen were under prosecution for giving that transaction its appropriate name; and even after the battle of Bunker's Hill, he writes to his old master, Dr Small, then settled in Scotland, in terms which show that the hope of reconciliation had not faded from his mind. On the other hand, that Dickenson and the moderate party were early prepared for extremities rather than submission, is plainly seen from their retaining, in the Declaration on taking arms, the conclusion in which Jefferson had plainly stated, that, though

averse to separation, they were resolved to maintain their rights at the expense of 'a civil war;' and were, 'with one mind, resolved to die freemen, rather than live slaves.' It was the peculiar felicity of the Americans, and of the great cause of civil liberty, of which they were the champions, that among their leaders were to be found both men of the most ardent spirit, and men of the most approved discretion; whilst all were alike firm of purpose, and alike determined to let no differences, nor any personal feelings whatever, keep them apart in the pursuit of their common object. It would be difficult to point out any serious error committed in the whole of their difficult course; and it would certainly be impossible to find instances of the unreflecting violence, and the sudden changes, either among the people, or their chiefs, which, in other cases, have brought such discredit upon the popular cause, and removed its triumph to so great a distance.

By degrees, however, the bloodshed at Lexington produced the effect of alienating the people; and the imprudent conduct of the Government at home,—a constant alternation of violence and irresolution,—did nothing to counteract it. Neither conciliated by judicious kindness, nor awed by the firm display of power, they now looked to separation as inevitable; and their leaders prepared for it in good earnest. Virginia made the first movement. The Convention met, for the fifth and last time, in May 1776, and instructed its delegates to propose the assertion of independence, and the measures of foreign alliance, and domestic policy, which must be the consequence. Richard Henry Lee accordingly brought the subject before Congress on the 7th of June. The debate continued for three days, when it was adjourned to the 1st of July, in consequence of objections taken by six of the colonies, but rather to the time than to the measure itself. In the mean-while, to prevent all unnecessary delay, a committee was appointed to prepare a statement of the reasons for the momentous step in contemplation. Jefferson, J. Adams, Franklin, Sherman, and J. Livingston formed this celebrated body; and were chosen by ballot, having numbers of votes in the order in which we have named them. Lee was absent, from a private misfortune, otherwise, as the mover, he would probably have stood at their head. Jefferson, as the first, was appointed to draw up the paper; and he submitted it privately to Franklin and Adams, who only made two or three verbal alterations. It was referred to Congress on the 28th June, and debated on the 1st July, when nine colonies voted for it; Pennsylvania and South Carolina against it; Delaware was equally divided, and New York did not vote,—its delegates having been instructed to do

nothing against conciliation. Next day the arrival of another delegate from Delaware gave that vote in its favour. South Carolina joined for the sake of unanimity. A change in the delegates of Pennsylvania also brought round that colony; and the consent of New York arrived at the same time. Some alterations in the document were then made,—amounting in the whole to the omission of a third part of it, and the alteration of a few lines only in what remained. The omissions were made chiefly with the view of avoiding topics which might give offence to the people of the mother country, whom it was obviously politic, and perhaps more politic than just, to separate from their rulers in condemning the proceedings of Great Britain; and there was a most important passage left out, reprobating the African slave trade. This omission was in complaisance to South Carolina and Georgia, and is greatly to be lamented, though it cannot be severely blamed. On the 4th of July the instrument was finally adopted, and signed by all the members present, except Dickenson, in whose room, and in that of two others who had withdrawn, Pennsylvania chose new delegates, who afterwards affixed their names, as did several others at different times.

This is that famous *Declaration of Independence* by which the freemen of the New World approved themselves worthy of their ancestors in the Old,—who had spoken, and written, and fought, and perished for conscience and freedom's sake,—but whose descendants in the Old had not always borne their high lineage in mind. We verily think that this 'Declaration' is the most important event in the history of mankind, whether its consequences be regarded on one side of the Atlantic or on the other; and if tyrants are sometimes said to feel uneasy on the thirtieth of January, how much more fitted to inspire alarm are the recollections associated with the fourth of July, in which nothing like remorse can mingle on the people's part, and no consolation is afforded to their oppressors by the tendency of cruelty and injustice to mar the work they stain!

The frame of the 'Declaration' is well known. The King is singled out and loaded with the responsibility of all the wrongs of his favourite policy. 'The history of the King of Great Britain,' says the manifesto, 'is a history of injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove these, let facts be submitted to a candid world.' A concise and powerful enumeration of the charges follows, and from these premises the conclusion is thus drawn:—'A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.' To justify this vehemence of language it must be remarked, that among the preceding charges were

those of employing foreign mercenaries, exciting insurrections of the slaves, and hiring the Indians to inflict the atrocities of savage warfare upon his Majesty's subjects. 'He is transporting large armies of foreign mercenaries to complete the work of death, desolation, and tyranny, already begun with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation. He has excited domestic insurrection amongst us, and endeavoured to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguishing destruction of all ages, sexes, and conditions.' The memorable passage which closes the Declaration is as follows:—'We therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare, that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes, and our sacred honour.'

But we think it will be generally admitted, that there is no part of this celebrated Instrument, as it was finally settled and executed, more pregnant, more appropriate to the great occasion, or more coming 'up to the high argument,' than the portion of the original version relating to the execrable slave trade. Our author having printed the whole draft as it originally stood when reported by the committee, we are enabled to give this striking passage, well aware that the very slave-holding states, to appease whom it was left out, have long since come round to the same opinions, from experience of the mischiefs, if not from repentance for the crimes of the traffic in human flesh:—'He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* King of Great Britain. Determined to keep open a market where *men* should

‘be bought and sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the *liberties* of one people with crimes which he urges them to commit against the *lives* of another.’

There are some differences in the accounts given of this memorable transaction; particularly, Mr Adams's letter to Mr Pickering is said to vary in several respects from our author's statement; but he justly considers Jefferson's authority as the most to be relied on—because he was more closely engaged in the proceeding—because he took notes at the time of what passed—and because, when his attention was called to the discrepancies, he gave satisfactory explanations of the errors in the other statements. An amusing anecdote is related of Dr Franklin, comforting him during the discussion of his paper in Congress, when the fondness of the author was somewhat outraged by the criticisms of his fellow-members. The apologue into which Franklin threw his topics of consolation is so exceedingly characteristic, that we cannot refrain from giving it:—

“When he was a young man,” he said, “a friend of his, who was about to set up in business for himself as a hatter, consulted his acquaintances on the important subject of his sign. The one he had proposed to himself was this: ‘John Thomson, hatter, makes and sells hats for ready money,’ with the sign of a hat. The first friend whose advice he asked suggested that the word ‘hatter’ was entirely superfluous, to which he readily agreeing, it was struck out. The next remarked, that it was unnecessary to mention that he required ‘ready money’ for his hats—few persons wishing credit for an article of no more cost than a hat, or if they did, he might sometimes find it advisable to give it. These words were accordingly struck out, and the sign then stood, ‘John Thomson makes and sells hats.’ A third friend who was consulted, observed, that when a man looked to buy a hat, he did not care who *made* it; on which two more words were stricken out. On showing to another the sign thus abridged to ‘John Thomson sells hats,’ he exclaimed, ‘Why, who the devil will expect you to give them away?’ On which cogent criticism two more words were expunged, and nothing of the original sign was left but ‘John Thomson,’ with the sign of the hat.”

Jefferson was again elected to Congress for the next year; but he declined, partly, from the necessity of at length paying some attention to his private affairs, and, chiefly, because he was anxious to assist in framing the Municipal Code for Virginia, under the new Constitution, which had just been adopted upon

the separation. He was appointed joint envoy to France with Franklin and Lilas Deane, but the state of his wife's health, whom he had married some years before, and who eventually brought him a considerable accession of fortune, made it impossible for him to leave her, or for her to accompany him. In Virginia, therefore, he settled himself; and soon introduced some of the most important legal and political reforms which could well be conceived. Ever since 1705 the English law against perpetuities had been repealed in Virginia; and entails could not be cut off by fine, or recovery, or by any other means than private bills. Steady to his constant purpose of curtailing the power of the aristocracy, he proposed not merely the repeal of this colonial law, and the restoring to tenants in tail the power of converting their estates into fee-simple, but the converting at once, by a general law, all estates tail into fee-simple estates; and this he succeeded in carrying, by a narrow majority, and after a severe struggle, in which the lawyers, who could not resist the measure generally, endeavoured to confine it, and leave the law as it had stood before the act of 1705. He afterwards obtained the abolition of the law of primogeniture, and the preference of males to females in succession to real estates. The effect of this important change in the law has been, our author says, to introduce a corresponding change in the conduct of proprietors, who hardly ever think of making a much more unequal distribution of their estates than the law would make for them. The consequences are apparent, as might be expected, in the aspect of society. There is no longer a class living in luxurious indulgence and idleness, with unacquired fortunes, greatly exceeding the ordinary means of their fellow-citizens. Where considerable wealth is to be seen, it has been gained in trade, or by professional success, or agricultural improvements; and even in these branches of industry, a moderate income being the prevailing lot of the community, men become satisfied with such a competence, and seek not exorbitant wealth. There were probably, says our author, twice or three times as many four-horse carriages before the Revolution as there are at present; but there may now be ten or even twenty times as many two-horse carriages; and while some families had more plate than can now be seen in any house, the whole quantity of plate in the country is increased twenty if not fifty-fold. That the more equal distribution of property has had the least influence in obstructing the intellectual improvement of society, is denied of course by our author; though we rather think less peremptorily than he might have done, even as regards accomplishments. In truth, it must have been all the other way. A little less of fastidious refinement, the concomitant of excessive riches, and, it may be added, the worth-

less concomitant, may possibly be expected to result from such a change; but the sound, manly, useful qualities of the educated mind must necessarily have been more universally diffused. 'There never passes a session' (he says) 'without calling forth reports and speeches which exhibit a degree of ability and political information that would, forty years ago, have made the author's name reverberate from one end of British America to the other.'

The other great object of Jefferson's exertions was the placing all religious sects upon the same footing; in other words, abolishing the preference given by law to one church—what is called, supporting a church establishment. The clergy of the Church of England had, ever since the settlement of Virginia, been maintained, not only by tithe, but by an assessment of the inhabitants of each parish. The number of Dissenters had, however, greatly increased, and were supposed by some to be the majority of the community, though this is denied by our author. It was only by slow degrees, and after many years had elapsed, that Jefferson at length succeeded in accomplishing the equalisation which he had so strenuously laboured to effect. The last vestige of preference was only obliterated in the year 1799. Into the merits of this much debated question, as regards a Republican Constitution, we shall not here enter. Our author states very positively, that the abolition of the establishment has had the effect of extinguishing all religious intolerance, and, at the same time, furthering the progress of religious instruction, as far as multiplying the teachers, and increasing their activity and real good. But he judiciously observes, that time alone can show what the effects will be upon the cause of religion generally.

A still longer delay was experienced by Jefferson's Education Bills, which embraced the threefold object of planting elementary schools for the whole people, establishing colleges for the middle classes, and forming a university for the superior branches of learning. All these plans lay dormant till 1796, and then only the first was adopted by the legislature. But it remained twenty years wholly unexecuted, in consequence of the counties which had to defray the expense of the schools having the option of carrying the provisions of the bill into effect. At length another bill was passed in 1816, and under its powers both the elementary schools and university have been established.

The only other measure of law reform to which we shall here advert, was his attempt to obtain the extinction of slavery, that foulest blot upon the American name. A provision was introduced, chiefly by his exertions, into the Digest of the Slave Laws made in 1779, by which all children born after a certain day

were to be declared free; and to be carried out of the state, and settled on unoccupied territory, upon attaining a certain age, according to a plan which he had digested. Here, however, as in other instances, he found that he was in advance of the age. 'The public mind,' he says many years after, 'would not yet bear the proposition, nor will it bear it even at this day. Yet the day is not far distant, when it must bear and adopt it, or worse will follow. Nothing is more certainly written in the book of fate, than that these people are to be free; nor is it less certain, that the two races, equally free, cannot live in the same government. Nature, habit, opinion, have drawn indelible lines of distinction between them. It is still in our power to direct the process of emancipation and deportation, peaceably, and in such slow degree, as that the evil will wear off insensibly, and their place be, *pari passu*, filled up by free white labourers. If, on the contrary, it is left to force itself on, human nature must shudder at the prospect held up. We should in vain look for an example in the Spanish deportation or deletion of the Moors. This precedent would fall far short of our case.'

In 1779 he was chosen governor of the state of Virginia, and held that high and difficult office for two years, when he declined being re-elected. While he filled it, the country was twice the scene of military operations; having been invaded, first, by the forces under Phillips and Arnold, and again, by Lord Cornwallis. The straits to which the Republicans were at different times reduced, and the difficulty of providing the requisite supplies, made his executive duties extremely embarrassing; and in factious times, he was unavoidably exposed to censure. An impeachment was even threatened; but after his retirement from office, when he was again elected as a member of the Assembly, he called upon his accusers to come forward, and averred himself ready to meet their charges, which related chiefly to his neglecting the means of defence, and refusing the Government at a moment of difficulty. No one, however, appeared to attack him, and the Assembly, in December 1781, unanimously passed a resolution, thanking him for his 'important, upright, and attentive administration;' and expressing their intention, 'in the strongest manner, to declare their high opinion of his ability, rectitude, and integrity, as chief magistrate, and to obviate and remove all unmerited censure.' This, how satisfactory soever in other respects, was understood to leave undetermined the question of his military measures, respecting which there might exist a diversity of opinion. He never pretended, says our author, to military skill; and his want of it was the avowed

motive of declining to be re-elected Governor. As this topic of abuse was not broad and coarse enough for the violence of party in after times, it was, especially while he held the chief magistracy of the United States, transmuted into an imputation of personal cowardice, in order to give it the more currency among the multitude. This, if it meant any thing, referred to his having, upon one occasion, left his country-house when he had not a single soldier near him, and when an attempt was made to surprise him by Colonel Tarlton, at the head of his Legion. Had he remained and been made prisoner, which was a matter of course in such circumstances, much satisfaction would no doubt have been experienced by the gallant Colonel and the British troops; but how the State of Virginia could have benefited by such an overt act of mental alienation on the part of its Governor, does not so clearly appear. Accordingly, it is notorious, that this imputation never made any part of the charges with which he was threatened at the time; the notice formally given of impeachment, while party ran the highest against him in Virginia, having been perfectly silent upon the subject.

It may be farther observed, that he was chosen, the year after, to represent Virginia in Congress. He repaired to Philadelphia,—took the share in public business to which his weight, in the estimation of the country, entitled him,—and asserted fearlessly and uniformly the principles of a sturdy republican. But the peace being now concluded, and the independence of the United States secured, there was no longer the same general interest felt in the deliberations of that illustrious body, which had, with a rare mixture of energy and discretion, guided the country through all its difficulties and perils to a triumph without any exception or alloy. There was even a reluctance in representatives to give their attendance, and begin a session; and the debates, when business had commenced, were contentious, prolix, and unsatisfactory; insomuch that Jefferson, who had known Congress in its better days, thus forcibly described its altered state: ‘I served with General Washington in the legislature of Virginia, before the Revolution, and, during it, with Dr Franklin in Congress. I never heard either of them speak ten minutes at a time, nor to any but the main point which was to decide the question. They laid their shoulders to the great points, knowing that the little ones would follow of themselves. If the present Congress,’ he adds, ‘errs in too much talking, how can it be otherwise in a body to which the people send one hundred and fifty lawyers, whose trade it is to question every thing, yield nothing, and talk by the hour?’

Having some time before lost his wife, to whom he is admitted, on all hands, to have been a most affectionate husband, &

indeed he was altogether unexceptionable in every relation of private life, he no longer refused the appointment of joint envoy to France; and in 1784 repaired to Paris, where he found his colleague, Dr. Franklin, and was soon after joined by Mr Adams from the Hague. The negotiation of commercial treaties with different nations was the object of the mission; but after sounding various powers, they found it impossible to succeed with any but Prussia. Mr Adams went as Minister to London, and Dr Franklin returned to America; leaving Mr Jefferson as resident Minister at Paris. He was well aware of the disadvantage under which any person must labour who came into the society of France, and mixed with her politicians, after a man who had been the peculiar favourite of the one and the admiration of the other. When the Minister Vergennes said to him—'Vous remplacez, Monsieur Franklin, je crois'—his answer was excellent; and in a country where such '*successes*' in conversation pass current at so much above their real value, was sure to gain a considerable stock of favour in the circles both of politics and of fashion:—'I succeed Dr Franklin; no one can replace him.' His love of science, and the reputation which he brought with him from his own country, recommended him to the French; he enjoyed great popularity during his residence of six years, and he retained through life the warmest feelings of attachment towards that great people, whose services in the cause of America he never could forget; and whose first struggles for liberty he was destined to witness before he returned home. The two following extracts from letters, written, the one in March, the other on the 11th July, 1789—the former to Colonel Humphreys, the latter to T. Paine—show what his impressions then were of the great events in progress:—

' " The change in this country since you left it, is such as you can form no idea of. The frivolities of conversation have given way entirely to politics. Men, women, and children talk nothing else: and all, you know, talk a great deal. The press groans with daily productions, which, in point of boldness, make an Englishman stare, who hitherto has thought himself the boldest of men. A complete revolution in this government has, within the space of two years (for it began with the *Notables* of 1787), been effected merely by the force of public opinion, aided indeed by the want of money, which the dissipations of the court had brought on. And this revolution has not cost a single life, unless we charge to it a little riot lately in *Bretagne*, which began about the price of bread, became afterwards political, and ended in the loss of four or five lives. . . .

' " You see that there are the materials of a superb edifice, and the hands which have prepared them are perfectly capable of putting them together, and of filling up the work of which these are only the outlines. While there are some men among them of very superior abilities, the

mass possess such a degree of good sense as enables them to decide well. I have always been afraid their numbers might lead to confusion. Twelve hundred men in one room are too many. I have still that fear. Another apprehension is, that a majority cannot be induced to adopt the trial by jury; and I consider that as the only anchor ever yet imagined by man, by which a government can be held to the principles of its constitution."

The latter of these dates was only three days before the taking of the Bastille; and he wrote to Mr Jay after that event, correcting the exaggerated accounts which had been circulated of it, and stating the number of the assailants who fell to have been not more than thirty. His apprehensions appear always to have been that the people would be defeated. He considers the Court as likely to recover its ascendant; and even as late as the end of August, dreads the 'civil and ecclesiastical aristocracy' regaining ground, more than the popular party being led into greater excesses. The constant appeals made to the example and authority of America afford him matter of great exultation. 'Our proceedings,' he says, 'have been viewed as a model for them on every occasion; and though in the heat of debate men are disposed to contradict every authority urged by their opponents, ours has been treated like that of the Bible, open to explanation, but not to question.'

During his stay in France he made an excursion for two months to England; and unfortunately the marked coldness of his reception by the Ministers, his still less friendly reception at Court, and above all, the reluctance of the Government, which could not be overcome, to enter upon the discussion of measures having a tendency to bring about an amicable intercourse between the two nations, confirmed all the prejudices against England which the war had implanted in his mind.

"With this country" (he says in a letter to the American Secretary of State) "nothing is done; and that nothing is intended to be done on their part, admits not the smallest doubt. The nation is against any change of measures; the ministers are against it; some from principle, others from subserviency: and the King, more than all men, is against it. If we take a retrospect to the beginning of the present reign, we observe, that amidst all the changes of ministry, no change of measures with respect to America ever took place, excepting only at the moment of the peace, and the minister of that movement was immediately removed. Judging of the future by the past, I do not expect a change of disposition during the present reign, which bids fair to be a long one, as the King is healthy and temperate. That he is persevering we know. If he ever changes his plan, it will be in consequence of events which, at present, neither himself nor his ministers place among those which are probable. Even the Opposition dare not open their lips in favour of a

connexion with us, so unpopular would be the topic. It is not that they think our commerce unimportant to them. I find that the merchants have set sufficient value on it. But they are sure of keeping it on their own terms. No better proof can be shown of the security in which the Ministers think themselves on this head, than that they have not thought it worth while to give us a conference on the subject, though, on my arrival, we exhibited to them our commission, observed to them that it would expire on the 12th of next month, and that I had come over on purpose to see if any arrangements could be made before that time. Of two months which then remained, six weeks have elapsed without one scrip of a pen, or one word from a minister, except a vague proposition at an accidental meeting. We availed ourselves even of that to make another essay, to extort some sort of declaration from the Court, but their silence is invincible."

Upon his return to America he yielded to Washington's desire that he should accept the office of Secretary of State, after refusing for some time, with what has every appearance of a real and hearty dislike, to continue in public life. His wish was to return for a short time to France, where he felt a strong interest in the success of the Republican party, and entertained the expectation, afterwards so grievously disappointed, that the Revolution would be 'certainly and happily terminated in less than a year.' After witnessing this consummation, he was anxious to retire into the bosom of his family, and there, on his farm, and amongst his books, to pass the rest of his days.

The Cabinet of Washington was now equally divided into two parties; Jefferson and Randolph the Attorney-General, on the one side; and Hamilton, Secretary of the Treasury, with Knox, Secretary at War, on the other. The main and avowed point of difference, and from which their names of *Federalist* and *Anti-Federalist* were derived, regarded the degree in which the Central Authority should be strengthened, so as to hold the Union together, and to exercise the powers of Government over the individual States. But those who most dreaded separation had always been the persons least friendly to democratic principles, and most attached to England; while their adversaries were deeply impressed with the sense of popular rights,—saw no danger in the amplest powers that could be exercised by the whole body of the people while the Government was representative,—and were peculiarly jealous of English influence. This party, then, were often called the Democratic as well as the Anti-Federalist; and it certainly is a mere descriptive appellation; for no man of any mark was friendly to a separation,—the only question being what sacrifices of local independence should be made to consolidate the Union. The leaning of the Federalists, on the other hand, towards a Monarchy and Aristocracy, has probably at all times been

a good deal exaggerated by their antagonists. That there is at the present time hardly any such feeling may be easily admitted; and it has probably been wearing out by degrees ever since the Revolution; in proportion as men saw that realized without a struggle which many in America, and still more in England, had deemed impossible,—the firm establishment of a Republican Government over many millions of people, with sufficient power to preserve order at home, and sufficient energy to maintain the relations of peace and war. But, at the first, no reasonable doubt can be entertained of the fondness for monarchical institutions which prevailed among the leading Federalists. The difficulty with which the scheme of the *Cincinnati*,—an order of merit and of military merit,—was first modified and then abandoned, are well known. Hamilton, to whose virtues and capacity all parties bear willing testimony, never disguised his inclinations on this head; and Adams, though he fell far short of Hamilton in his predilection for the British Constitution, yet thought that a reform of its abuses would make it perfect. There is an account preserved by Jefferson of a discussion upon this subject, which is understood to represent accurately the opinions of these two eminent men. ‘Purge the British Constitution,’ said Adams, ‘of its corruption, and give to its popular branch equality of representation, and it would be the most perfect Constitution ever devised by the wit of man.’ Hamilton paused upon this, and then said, ‘Purge it of its corruption, and it would become an impracticable Government: as it stands at present with all its supposed defects, it is the most perfect government that ever existed.’

The denial of such being Hamilton’s sentiments, which has sometimes, for party purposes, been attempted, is quite preposterous, when he himself never disguised his opinions. Nay, Gouverneur Morris, a party as well as a personal friend of his, has stated, in an elaborate account of his character, ‘that he hated Republican government, because he confounded it with democratic government, which he detested, as sure to end in despotism, and as in the mean-time destructive of morality.’ And again, ‘that though history had taught him that monarchy could only be established by the mob, yet he never failed on every occasion, to advocate the excellence of, and avow his attachment to monarchical government.’ Mr Jefferson has, however, candidly taken pains to record Hamilton’s decided reprobation of those who would endeavour to disturb the experiment which he considered was making in America, of a Republican government. He said that he was ‘for giving it a fair course, whatever his expectations might be.’ He fairly admitted that as its success had surpassed those expectations, so its failure

seemed less likely than it had been. He added, that if the Constitution should fail in its present form, there were others which might be tried, and which ought to be tried before the 'Republican form was abandoned;' for 'that mind,' said he, 'must be really depraved which would not prefer the 'equality of political rights, the foundation of pure Republicanism, if it were to be obtained consistently with order.' It is therefore manifest, *first*, that the Federal party never were seriously disposed to make any efforts for the restoration of monarchical government, although they had less expectation of being able to go on without it than their adversaries, and were friendly to the introduction of measures which were avowedly intended to impair the purity of the Republican scheme; and were expected by the other party to pave the way for a change not in the contemplation of their supporters; *secondly*, that had Hamilton, and those who agreed with him, lived to our times, the success of the experiment would long since have dispelled all their apprehensions, and prevented them from once thinking of a departure from the pure Republican model.

As for Washington, although his habitual moderation gave some colour for the pretence of the Federalists that he belonged to their party, there is not a doubt that this illustrious man kept himself absolutely free from any such bias. Nothing can be more distinct than the testimony which Jefferson's correspondence bears to this fact. Even in the heat of controversy, while the anti-Federal Secretary was often opposing measures patronised by the President, and often complaining of his slowness to support what he and his party deemed necessary for the maintenance of the national independence, he always separates Washington from his adversaries, and allows that he belonged not to either party, but held the balance even between both.

The picture which is presented by this impartiality in the various struggles between the two sides of his equally divided cabinet, is truly striking; and must command the unbounded admiration of all who contemplate the character of the man, of all mankind most renowned for the perfection of sound judgment, and the unsullied purity of public life. To those who have been in the habit of flattering themselves that this illustrious person was not a republican at heart, we recommend the consideration of his speech when endeavouring to keep Jefferson from resigning. He said 'he did not believe there were ten men in the United States for a monarchy.'

The war which distracted Europe, in less than three years after Jefferson took his seat in the cabinet, furnished, as might be expected, grounds for dividing still more the parties already suffi-

ciently hostile, on American questions. The Federalists, of course, took the alarm at the outrages which marked the progress of democracy in France; and their first impression was against receiving a French Minister at all, though they ended by adopting the line of strict neutrality, but maintained that he should only be received with qualifications, and were thoughtless enough even to contend strenuously that the revolution had made all treaties with France void. Washington, after calling upon all his cabinet to state their opinions in writing, and calmly weighing their vehement and elaborate reasonings, decided in Jefferson's favour, who had, in those remarkable words, expressed himself to his correspondent, James Muhroe, before the determination was taken:—'If any thing prevents its being a mere English neutrality, it will be that the *penchant* of the President is 'not that way, and, above all, the ardent spirit of our constituents.' There was, indeed, hardly any difference of opinion among the people out-of-doors. They sided with France almost universally; and were extremely discontented with the proclamation of neutrality issued by the government. On this occasion, Jefferson, with all his partiality for France, and all his disposition to consult the feelings of the people, steadily opposed the current which was setting in so strongly; and incurred the additional odium reserved for those whom the people, having long favoured and followed them, expect to be the last that will thwart their inclinations; without reflecting that the opposition proceeds from the same sense of duty which had dictated the more popular conduct. In the mean-while, the French government appointed a Minister (Cit. Genet), whose indecent violence so far outstripped the fondness for his country, great as it was, which pervaded the American people, that Jefferson, upon whom fell the task of carrying on this controversy, by degrees regained the good-will of his countrymen—a Minister whom he truly describes as 'hot-headed, all imagination, no judgment; passionate, disrespectful, and even indecent, towards the President, in his written as well as verbal communications.'

Although Jefferson certainly had no right to complain of Washington, whose impartiality he so distinctly admits,—who, on some of the most important questions, took his part, and on one occasion decided for him when he stood alone among his colleagues,—yet he found his situation so irksome, and the prospect of being able to serve his country effectually, according to his own principles, so slender, that he resolved upon retiring from public life. The President entreated him, with great earnestness, and much personal kindness, to change this resolution, and intimated his own determination to refuse a second election to

the chief magistracy. Jefferson used his utmost endeavours to prevent this, which he justly regarded as a great public misfortune, and postponed his own resignation. At length, Washington having consented to resume his office, he retired at the end of 1793, and remained in private life, until he was proposed, against his inclination, as the successor of that great man in 1797, when the Federalists set up Adams, who carried the election by a majority of three votes—leaving Jefferson, however, considerably above Pickering, whom they had intended to bring in as Vice-President. The consequence was, that Jefferson was Vice-President—a position which, while the contest was proceeding, he had declared to several friends, but more particularly to Madison, confidentially, that he should very greatly prefer to the first place; adding, that in the event of an equality of votes, he authorized a declaration of his unwillingness to supersede Adams, who 'was his senior both in years and public services.'

His conduct in the Vice-Presidency was marked by the same steadfast adherence to republican principles which had distinguished him through life. By degrees, however, he became sensible of the errors into which party violence had led himself and others; and the conduct of Bonaparte soon withdrew from him whatever confidence his talents and successes had, in the first instance, begotten. 'I fear' (said he, in a letter written as early as February, 1800) 'our friends on the other side of the water, labouring in the same cause, have yet a great deal of crime and misery to wade through. My confidence had been placed in the head, not in the heart of Bonaparte. I hoped he would calculate truly the difference between the fame of a Washington and a Cromwell. Whatever his views may be, he has at least transferred the destinies of the republic from the civil to the military arm. Some will use this as a lesson against the practicability of republican government. I read it as a lesson against the danger of standing armies.'

The support which had been given to Jefferson, on Washington's retirement, in the circumstances so favourable to his antagonists, of the alarm and disgust excited by the excesses of the republican party in France, was a sure proof, that when those feelings should subside, his countrymen must call him to the head of affairs. Accordingly, instead of re-electing Adams, they returned him and Burr, both of the republican party, by an equal number of votes; and it is worthy of remark, that whilst the proceedings were pending which this equality rendered necessary, various attempts were made to obtain from him a pledge, or some intimation of the course he meant to pursue, if he were elected, both as to measures and as to appointments; but to all

such applications he returned one answer—that ‘he was resolved to go into office untrammelled, or not at all.’

When Jefferson took upon him the government of a people whom he justly described as ‘spread over a wide and fruitful land; traversing all the seas with the rich produce of their industry; engaged in commerce with nations who felt power, and forgot right;’ he also had serious difficulties to contend with from the violence of the parties which divided them. In his inaugural address to the Legislature he used those remarkable expressions in which his subsequent policy may be said to have been announced; but though they well satisfied the reflecting portion of the community, they created no little discontent among the zealots of his own party,—a class of men whom nothing can ever appease on such occasions but the entire crushing of their adversaries, and who always forget, that when these are numerous, it would be as easy to exterminate them as to destroy their power:—‘We have called by different names brethren of the same principles. We are all republicans—all federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated when reason is left free to combat it.’ Although he did not gratify the more violent and rapacious of his party, by instantly removing from all the offices in the State every person of opposite sentiments, he yet, with his accustomed firm resolution, proceeded to annul all the appointments which had, with an indecorous precipitancy, been made after his election; and during the three or four months that his predecessor continued in office, all those were also removed who had in any way misconducted themselves, as well as the attorneys and other officers of the Federal courts, whose removal was considered a matter of course. But that he was determined steadily to pursue the line of conduct which he had never departed from in any situation, was soon perceived by unerring indications. His hearty welcome to Dr Priestley, the respected object of persecution from political and religious bigotry, gave general satisfaction. His Letter to Thomas Paine was not so much approved; and although it certainly proceeded from his sense of the gratitude due to the eminent services formerly rendered, Paine’s recent publications on religious subjects, and his attacks upon Washington, made it highly imprudent for one in Jefferson’s situation to give the offence which must eventually accrue from such a step. The courtesy which he showed that celebrated writer was only allowing him a passage in a sloop of war; but his letter concluded with these expressions:—

‘ I am in hopes you will find us returned generally to sentiments worthy of former times. In these it will be your glory to have steadily laboured, and with as much effect as any man living. That you may long live to continue your useful labours, and to reap their reward in the thankfulness of nations, is my sincere prayer. Accept assurances of my high esteem and affectionate attachment.’ Although Paine’s services to the cause of American independence were invaluable, and were acknowledged by all parties, yet it was the unavoidable consequence of his having subsequently engaged in attacks, full of ribaldry, upon the religion of the country, that they who would have been most tolerant towards any mere difference of opinion, and even patiently borne with any calm and argumentative discussion inoffensively conducted, though leading to a denial of truths deemed the most sacred, should so far forget the writer’s former merits as to deem the honours paid him an outrage upon the feelings of the people. But while the President’s Letter to Paine is condemned, justice requires that we draw from it an inference in favour of his motives, in refusing to dismiss those Federalists from their places who had been appointed before his election. No man who observes how fearlessly he could expose himself to the indignation of his adversaries, and brave the censures of his own friends, upon a subject so sure to unite them against him, can ascribe his retaining the persons whom he found employed either to a fear of the Federal party, or a wish to gain it over. That act (of retaining his adversaries in office) we can have no hesitation in ascribing to his strong sense of public duty, and the rigour of his republican principles. He held it to be a breach of trust towards the country to deprive it of the skill and experience of men who had served it long and faithfully; and he deemed it inconsistent with the liberty which all men should equally enjoy, to remove any one from the public service merely because he held a different opinion from part of his fellow-citizens. Accordingly, he pursued his course steadily, unawed by the clamour on either side,—retaining those whose conduct had been unexceptionable, and displacing those who had given just cause of offence, or been appointed in improper circumstances; and making no farther changes than such as were necessary for securing a vigorous and united government. ‘ I am satisfied’ (he says) ‘ that the heaping abuse on me personally has been with the design and the hope of provoking me to make a general sweep of all Federalists out of office. But as I have carried no passion into this disagreeable duty, I shall suffer none to be excited. The clamour which has been raised will not provoke me to remove one more, nor deter me from removing one less, than if

'not a word had been said on the subject.' We recommend this as a maxim and a motto for all governments placed in circumstances of difficulty; and its application to measures is fully as obvious as its application to men—and far more important. No one is fit to rule, and indeed no one can be said to rule, who can act upon any other principle.

Our limits do not permit us to follow Jefferson through the brilliant career of his Presidency, which conferred upon the United States the benefit of many most important improvements in domestic policy;—the vast extension of territory by the peaceful acquisition of Louisiana; and the enjoyment of peace with the complete maintenance of the national honour, at a season when it seemed hardly within the power of the most conciliating and circumspect conduct, joined to the greatest watchfulness and most determined resolution, to secure that blessing, amidst the fierce contests which distracted and ravaged the rest of the world. Professor Tucker observes, that after the calumnies of those whose power it overthrew had been forgotten, Jefferson's administration is admitted by all impartial men to be the one in which the country was the most prosperous, and the government throughout was administered the most constantly according to the Republican principles of the Constitution; and we shall close our remarks upon it by quoting the luminous statement of its merits, given in the address of the Virginian Legislature, upon the retirement of their illustrious fellow citizen.

'We have to thank you for the model of an administration conducted on the purest principles of republicanism; for pomp and state laid aside; patronage discarded; internal taxes abolished; a host of superfluous officers disbanded; the monarchic maxim that "a national debt is a national blessing," renounced, and more than thirty-three millions of our debt discharged; the native right to near one hundred millions of acres of our national domain extinguished; and without the guilt or calamities of conquest, a vast and fertile region added to our country, far more extensive than her original possessions, bringing along with it the Mississippi and the port of Orleans, the trade of the West to the Pacific Ocean, and in the intrinsic value of the land itself, a source of permanent and almost inexhaustible revenue. There are points in your administration which the historian will not fail to seize, to expand, and to teach posterity to dwell upon with delight. Nor will he forget our peace with the civilized world, preserved through a season of uncommon difficulty and trial; the good-will cultivated with the unfortunate aborigines of our country, and the civilisation humanely extended among them; the lesson taught the inhabitants of the coast of Barbary, that we have the means of chastising their piratical encroachments, and awing them into justice; and that theme, which, above all others, the historic genius will hang upon with rapture, the liberty of speech and the press preserved inviolate, without which genius and science are given to man in vain.'

He retired to Virginia in 1809, and lived in the bosom of his family, by whom he was tenderly loved; in the affections of his countrymen, by whom he was ever looked up to as the great chief of the national party; in the cultivation of literary and scientific pursuits, for which his predilection was always strong; and in the constant endeavour, oftentimes successful, to serve the people for whom his care only ended with his days. He gradually declined in health in the spring of 1826; and in June he was evidently approaching his latter end. During that month he grew worse; but he conversed freely and calmly on his approaching dissolution; and continued to evince his anxiety for the University of Virginia, which he had founded, and to which he had for many years devoted the greater part of his time. On the 3d of July he appeared exhausted, and lay in a stupor, occasionally speaking a few words. In the course of the night he asked what o'clock it was; and on being told it was one, he expressed his satisfaction at living to see the day, in his mind the most memorable of the calendar. He expired in the eighty-fourth year of his age, on the fiftieth anniversary of that glorious event which we have been contemplating, and with which his name was inseparably connected,—the *Declaration of Independence*. On the same day, by a singular coincidence, Adams, the only other survivor of those who had prepared that famous instrument, also finished his course, in the northern part of the United States. Let it be added, that he who had been for eight years chief magistrate of America, died and left barely enough to pay his debts.

We cannot more fitly, or to the reader, more satisfactorily, close this article than by extracting from the volumes before us Jefferson's sketch of the characters of his great predecessor, and of his friend and successor. He thus has described Washington, and the account is full of interest:

‘His mind was great and powerful, without being of the very first order; his penetration strong, though not so acute as that of a Newton, Bacon, or Locke; and as far as he saw, no judgment was ever sounder. It was slow in operation, being little aided by invention or imagination, but sure in conclusion. Hence the common remark of his officers, of the advantage he derived from councils of war, where, hearing all suggestions, he selected whatever was best; and certainly no general ever planned his battles more judiciously. But if deranged during the course of the action, if any member of his plan was dislocated by sudden circumstances, he was slow in a readjustment. The consequence was, that he often failed in the field, and rarely against an enemy in station, as at Boston and York. He was incapable of fear, meeting personal dangers with the calmest unconcern. Perhaps the strongest feature in his character was prudence, never acting until every circumstance, every consideration, was maturely

weighed; refraining if he saw a doubt, but when once decided, going through with his purpose, whatever obstacles opposed. His integrity was most pure, his justice the most inflexible I have ever known; no motives of interest or consanguinity, of friendship or hatred, being able to bias his decision. He was, indeed, in every sense of the word, a wise, a good, and a great man. His temper was naturally irritable and high-toned; but reflection and resolution had obtained a firm and habitual ascendancy over it. If ever, however, it broke its bonds, he was most tremendous in his wrath. In his expenses he was honourable, but exact; liberal in contributions to whatever promised utility; but frowning and unyielding on all visionary projects, and all unworthy calls on his charity. His heart was not warm in its affections; but he exactly calculated every man's value, and gave him a solid esteem proportioned to it. His person, you know, was fine, his stature exactly what one would wish; his deportment easy, erect, and noble, the best horseman of his age, and the most graceful figure that could be seen on horseback. Although in the circle of his friends, where he might be unreserved with safety, he took a free share in conversation, his colloquial talents were not above mediocrity, possessing neither copiousness of ideas, nor fluency of words. In public, when called on for a sudden opinion, he was unready, short, and embarrassed. Yet he wrote readily, rather diffusely, in an easy and correct style. This he had acquired by conversation with the world, for his education was merely reading, writing, and common arithmetic, to which he added surveying at a later day. His time was employed in action chiefly, reading little, and that only in agriculture and English history. His correspondence became necessarily extensive, and, with journalizing his agricultural proceedings, occupied most of his leisure hours within doors. On the whole, his character was, in its mass, perfect, in nothing bad, in a few points indifferent; and it may truly be said, that never did nature and fortune combine more perfectly to make a man great, and to place him in the same constellation with whatever worthies have merited from man an everlasting remembrance. For his was the singular destiny and merit of leading the armies of his country successfully through an arduous war, for the establishment of its independence; of conducting its councils through the birth of a government, new in its forms and principles, until it had settled down into a quiet and orderly train; and of scrupulously obeying the laws through the whole of his career, civil and military, of which the history of the world furnishes no other example.

Of Madison he thus speaks—

‘Mr Madison came into the House in 1776, a new member and young; which circumstances, concurring with his extreme modesty, prevented his venturing himself in debate, before his removal to the Council of State, in November, 1777. From thence he went to Congress, then consisting of few members. Trained in those successive schools, he acquired a habit of self-possession, which placed at ready command the rich resources of his luminous and discriminating mind, of his extensive information, and rendered him first of every assembly afterwards, of which he became a member. Never wandering from his subject into vain declamation, but pursuing it closely in language pure, classical, and copious

soothing always the feelings of his adversaries by civilities and softness of expression, he rose to the eminent station which he held in the great National Convention of 1787 ; and in that of Virginia, which followed, he sustained the new Constitution in all its parts, bearing off the palm against the logic of George Mason, and the fervid declamation of Mr Henry. With these consummate powers were united a pure and spotless virtue, which no calumny has ever attempted to sully. Of the powers and polish of his pen, and of the wisdom of his administration in the highest office of the nation, I need say nothing—they have spoken, and will for ever speak for themselves.

In closing our view of these great men, and the great events in which they bore a share, we may perhaps be expected to say something of the Republican Government which they established, and under which America has so eminently prospered. But the subject is too extensive for incidental discussion ; and we shall have a fitter opportunity for handling it when M. de Tocqueville shall have completed his valuable work on America.

We have said nothing of the style of Professor Tucker's work. It is, generally speaking, plain, unaffected, and sufficiently pure, with the exception of one or two Gallicisms, a very few Americanisms, and here and there a word from that modern dialect which is of no country, and ought to be of no age, and which is making such a progress amongst us as threatens to overlay, if it does not extirpate, our good old mother tongue.

ART. IX.—1. *De la Charité Legale, et Specialement des Maisons de Travail.* Par F. M. NAVILLE. 2 tom. 8vo. Paris : 1836.

2. *First Report* from his Majesty's Commissioners for Enquiring into the Condition of the Poorer Classes in Ireland.* Ordered by the House of Commons to be printed, 8th July, 1835.

SIR WALTER SCOTT, in a letter written to his friend Mr Morritt in 1817, expresses himself, in regard to the Poor-Laws, in the following terms :—‘ The Poor-Laws into which you have ventured for the good of the country form a sad quagmire. They are like John Bunyan's Slough of Despond, into which millions of cart-loads of good resolutions have been thrown, without perceptibly mending the way.’ Such indeed had been the case for many generations, and such it continued to be until we obtained a Government that had spirit and energy to face the vast difficulties of the question, and which produced the great enactment of 1834—an enactment destined

to contribute largely, as we hope and believe, towards renovating the character and augmenting the happiness of the lower orders of the English people. Still, however, this subject presents, in many points of view, an aspect far from satisfactory. Much popular delusion yet prevails with regard to the recent changes. This the late elections have fully developed. A strong disposition exists, in some quarters, to undervalue the good that has been accomplished; while, at the same time, there is found in others a tendency to overrate the recent improvements;—to represent the workhouse system, in its present form, as one of the greatest discoveries of modern times, and to treat it as suited to every age, and applicable to every country.

Neither the one opinion nor the other appears to us well founded; but the misconceptions of those who depreciate the law of 1834 are the less dangerous of the two. These are daily giving way, and may be expected to yield altogether at no distant period. We may safely trust to the practical benefits of the new law, as compared with the old, for making converts, as evinced by the immediate observation, of its most sceptical and prejudiced opponents. Much more is to be feared from the mistake of those who, at the present stage of the conflict between opposite dangers, are already singing the song of triumph—who conceive that the modern workhouse plan has put an end to all the difficulties of Poor Laws—and that mankind may be confidently assured that the great problem of Public Charity is at last effectually solved.

These latter opinions are prevalent amongst the most respectable classes of society. Nor can this be matter of surprise. The landowners have been relieved from a just alarm for the safety of their property. The occupier finds his payments greatly reduced; the moral observer sees a beneficial change in all the habits of the peasantry; the two Houses of Parliament are filled with Guardians, and Chairmen of Boards of Guardians, who have been most commendably devoting their time to the superintendence of this experiment, and have witnessed, with a natural joy, the success of their labours. Every individual of the Government who took a part in this great reform, must feel a justifiable pride in the result; while even those members of former Cabinets, 'whose opinion is best worth having,' gave an enlightened support to the measure, and enjoy their share of satisfaction.

But, in the midst of these rejoicings over risks that are past, there lurk the seeds of future danger. That subject, which has so long distracted the thoughts of statesmen, has not at once grown manageable and easy. The monster Pauperism is not

yet chained to the rock; and many an anxious thought and enlightened effort remains still to be bestowed upon a topic deeply affecting the welfare of the most numerous classes of the community.

It is not certainly at a moment like this that we can reasonably expect the most judicious opinions to be formed with relation to Poor-Laws for Ireland. Our incitements towards rapid generalizations and hasty measures are too strong. We have two extremes before us. On the one hand, the abuses of the English system, unacknowledged so long, and so long left unredressed; on the other hand, the unparalleled distress and destitution of the great bulk of the Irish people. This state of things is in neither point of view creditable to the practical wisdom and humanity of our public men. So far is true. But we doubt whether our former errors in this respect will be best corrected, and our reputation for prudence regained, by our so soon treating our recent measure as a universal *panacea*, equally applicable to all countries, though their conditions may be alike in no single circumstance. The new system has been in operation in no part of England for above two short years. To a great part of the country, for which it was expressly designed, it has not hitherto been extended. Under these circumstances, it seems exceedingly premature to propose at once to subject a country so differently and peculiarly situated as Ireland to so novel an experiment. Yet the Bill of the last session received great support in the House of Commons. During its progress, the objections urged against it were chiefly upon points of detail, not affecting its main principles; and there can be little doubt, that had not the session been so abruptly terminated, it would have been by this time law. That 'something must be done' to relieve the miseries of Ireland, had long been the prevailing impression. The first proposition that emanated from Government was almost sure to be favourably entertained. English members took little part in the discussion, whilst the reception it met with from Irish representatives was of a singular character, and bore the marks of a painful anxiety. Though Mr O'Connell pointed out, with vast ability, the dangers attendant on the measure—though he 'shuddered at it,' and 'saw confiscation in it'—he yet declared his readiness to uphold it in every stage, and called aloud for its immediate adoption!

This Bill will doubtless be again brought forward in the new Parliament; but time for further reflection is happily afforded, before the Legislature will be called upon to give its sanction to a step

which, once taken, can never be retraced. Is it, then, or is it not, for the true interests of the people of Ireland, that a law of public relief, on the principles proposed, should be established amongst them? With us, we confess, it is a matter of much regret that so indiscriminate a feeling in favour of Poor-Laws is found to prevail throughout society,—in the southern part of Great Britain more especially. The vague impressions now existing, are destined, we trust, to be superseded by the progress of thought and observation. The experience of mankind respecting compulsory relief has hitherto been by no means extensive. The ancient world had no such practice, though it would appear, from the answer to Hortalus in the Roman senate, put into the mouth of Tiberius, that reflecting minds like that of Tacitus were fully sensible of its dangers. The example of the early Christians points to nothing beyond voluntary contributions:—‘Now, concerning the collections for the Saints, as I have given order to the churches of Galatia, even so do ye. Upon the first day of the week, let every one of you lay by him in store, as God hath prospered him.’

It was not, in fact, till the sixteenth century that fiscal measures were any where resorted to for enforcing this Christian obligation. Among the nations that have adopted them, those seem to have dealt most successfully with the difficulties of public charity who have confined it within the narrowest limits; while of all the nations of the world England is that which has committed the most grievous errors by extending its operations most widely. If this fact cannot be denied—‘if it must subsist for our shame, let it subsist for our instruction.’ If we are regarded justly as a beacon to warn, rather than as an example to follow, let us not be in haste to imitate ourselves.

The situation in which England found herself in 1834, as respects the lower classes of her population, was one of a very peculiar kind. History will in vain be ransacked to find a parallel case. She was suffering, not from any natural increase either in the numbers or the hardships of those poor ‘who shall never cease out of the land,’ and whom we are to have always with us. Her people were not groaning under poverty, or sickness, or any visitation from Heaven; but under Pauperism,—a disease wholly of human origin, the growth of erroneous impressions among statesmen, who ought to have known their duties better. The labour market had been allowed to become totally deranged; wages had almost ceased to be a matter of contract, and had become a matter of right; the natural affections were perverted; two hundred years had been spent in tempting the parent to desert his child, and the child his parent; the labourer had been

seduced away from his duties, and with them, from his best interests, and taught to look towards the overseer instead of his own industry,—to rely on the Justice of Peace, instead of relying on himself. Degradation of character was inevitable. There remained no longer the vigour and energy of men, but the dependence and helplessness of children. Not to multiply proofs—the wretched condition to which society was necessarily descending may be judged of by the fact mentioned by Mr Power, in his Report, made in 1836 : During the preceding harvest, the finest wheat was rotting in Rochford, and other of the southern hundreds of Essex, for want of hands to reap it, at a guinea and twenty-four shillings the acre, at the very time that healthy men were lying under the hedges in the neighbourhood, with a parish allowance of three shillings per week ! Here was a state of things which obviously required no common agency to rectify. The requisite machinery has, however, been found, and happily found, in the new Workhouse System.

By the offer of employment in this unpalatable form, the labourer is brought back again to those duties which God and nature intended him to fulfil. He looks out for work and wages for himself, and he does not fail to find them. Admitting, then, as we do most readily, the value of this test as applicable to the corrupt condition of a pauperized district, we may still be allowed to ask—Is the similarity of the case of Ireland such that the same remedy should be forced upon her ? Her people, low as their condition is, are in no such perverted and unnatural position. Much as they have suffered at the hands of statesmen and magistrates, they have happily never been brought up to depend on any bread but that of industry. They are ready to go all distances in search of employment, and undertake any work, however alien from their habits,—as the drudgery of the metropolis, or of manufacturing towns of course must be. In England, the object of the late amendments in its Poor-Laws was to throw men back upon their own resources, which were ample. Assuredly there can be no grounds for using the same expedients to force the Irishman back upon his, which are well known to be so lamentably deficient. The offer of workhouse support to the able-bodied is the great characteristic of the recent plan ; but it does not operate practically as a provision for them, nor is it intended so to operate. Permanent domiciliation there, the authors of the system tell us, is the result they least of all contemplate. To relieve the public from the burden of a class capable of maintaining itself, is the main object and the main effect. The state had hampered itself with certain injudicious liabilities in respect of the labouring population : to get rid of these again is the point to be accom-

plished. Here, then, in the case of England, naturally occurs the question—At what time, under what circumstances, and with what object, came the nation to involve itself in a responsibility which it finds itself unable to discharge, and which it becomes so great an object to shake off? Let us enquire more fully into this. It is clear, beyond all possibility of dispute, that neither the 43d of Elizabeth, nor any other statute previous to the 22d and the 36th George III.,* authorized *money relief* to the young and healthy labourer. It was indeed provided that the overseer should ‘take order for setting to work all such persons, married or unmarried, having no means to maintain them, and using no ‘ordinary or daily trade of life to get their living by.’ But the true intention of the Legislature in adopting this clause is a matter of great difficulty to discover. Did it mean avowedly to invite every man to come to his parish and receive employment there? We should conceive not. Was it then the intention to invest the overseer with the power to compel those men to work who had evidently taken up a life of idleness? This certainly appears to us the far more probable interpretation. It is the view which the Committee of 1817 took of the important enactment in question. In the very able Report of that Committee, drawn up by Mr Frankland Lewis, with the concurrence of Mr Huskisson, and the Chairman Mr Sturges Bourne, it is observed—

“What class of persons it is who are described as using no ordinary, or daily trade to get their living by,” it cannot at any time have been very easy correctly to ascertain; the words were, probably in the first instance, to apply to such persons as appear to have been the object of all the old statutes to which your Committee have before alluded. Your Committee, however, think it extremely doubtful whether persons, who may from time to time be out of work, but who, for the most part, occupy themselves in a daily trade, ought to be comprehended within the description of the statute. If the object of the statute was merely to set to hard labour all such idle wandering persons as might be found in a

* By the 22 Geo. III. commonly called Gilbert's Act, it is provided (section 32) that the guardians shall agree for the labour of any poor person who cannot find employment at any work near the place of his residence; and to maintain, lodge, and provide for him till such employment be procured—to receive the money earned by such work, and apply it in such maintenance, as far as the same will go, and *make up the deficiency*, if any. The 36 Geo. III. c. 23, ascribed to Mr George Rose, states in its preamble, that the Workhouse Act (9 Geo. I. c. 7) ‘has been found inconvenient and oppressive—holding out conditions of relief injurious to the comfort of poor persons;’ and proceeds to empower Justices to order relief to any industrious persons at their own house.

state nearly approaching to that of vagrancy, such an object might possibly be carried into effect with a fair hope of beneficial consequences. But if the object of the statute was (as it is now interpreted) that the state is to find work for all who in the present, and in all succeeding time may require it, your Committee are of opinion that this is a condition which it is *not in the power of any law to fulfil*. What number of persons can be employed in labour, must depend absolutely upon the amount of the funds which alone are applicable to the maintenance of labour. If these views of the effect of undertaking to provide employment for all who want it, are founded on truth, there results from them an obvious necessity of abandoning gradually the impossible condition, that all who require it shall be provided with work, which, whether or not it be the real object of the statute, has by many been held to be so.'

The Committee of 1817 was reappointed in 1819, with the same chairman and nearly the same members. They made a Report of great value, though not so generally known as the former. They revert to the same subject, and they state that no security can be obtained against the continued progress of the evil, 'as long as by an erroneous construction, as your Committee believe, of the Act of Elizabeth, parishes are supposed liable to be called upon to effect the *impracticable* purpose of finding employment for all who at any time may require it.' They refer to their own reasoning in the former Report, and state that further consideration and investigation have confirmed their opinions; and after many very judicious observations, they conclude by anxiously directing the future attention of the House to such measures as may be calculated ultimately to relieve parishes from the 'impracticable obligation' of finding employment for all who may at any time require it at their hands; and to confine the relief derived from compulsory assessments to 'the lame, impotent, old, blind, and such other among them as are poor and not able to work.'

But though the Committee are most probably right in their view of the original intention of the Legislature, the practical construction of the statute in question had come to be very different, and that even at an early period. This deviation from the strict policy of the statute seems to have originated in a humane extension of the law to cases of pressing emergency; and this was inconsiderately continued. But be this as it may, there can be no question that the public found itself committed to a most embarrassing obligation towards all the able-bodied part of the labouring community; and has had ample reason to regret that the classification observed in the early part of the reign of Elizabeth was ever abandoned. At that period, Harrison informs us, all relief was confined to the 'poor by impotency, and the poor by casualty, which are the true poor indeed,

‘and for whom the Word doth bind us to make some daily ‘provision.’ The mischief began with the extended construction of the legal obligation. From this new liability may be distinctly traced the various abuses of which we have been required at last to attempt thoroughly the reform, at whatever risk. The Legislature and the magistracy were continually pressing the ‘impracticable obligation’ upon parish officers. The moment that work could no longer be had, it became the duty of the overseer to find it. Parishes naturally struggled against the imposition, and tried every method of evading it. To apportion the labourers among the rate-payers was the first resource; but the occupier preferred a pecuniary payment to the great inconvenience of taking workmen whom he did not want. Though work was not to be found, money could be had as long as any visible property remained; and therefore money became a substitute for a ‘condition not in ‘the power of any law to fulfil.’ Thus the Roundsmen system, and the Labour Rate were adopted; and the payments of house-rent and allowances to families became gradually established.

The burden of maintaining the true objects of charity was at all times a light one compared with that which sprang up in this improper quarter. Evidence of the most satisfactory kind is to be met with of this fact. The complaints of intelligent writers from time to time fully make it out. Davenant, in his *Political Essays*, says, speaking of the poor rates, ‘As this money is managed in ‘most places, instead of relieving those who are really poor and ‘impotent (which the laws design), it serves only to continue vice ‘and sloth in the nation. The real and true objects of charity ‘would cost the nation but little to maintain, and it is to be ‘doubted they have the least share in the public reliefs.’ Mr Locke, in his Report to the Board of Trade, observes, ‘A great ‘number of children giving a poor man a title to an allowance ‘from the parish, this allowance is given once a-week, or once a- ‘month to the father in money, which he not seldom spends on ‘himself at the ale-house.’ A Committee of the House of Commons in 1759, of which Sir Edward Lloyd was chairman, came to several Resolutions, which are little known, but are curious, inasmuch as they show the great expenditure upon the able-bodied class; and also because they afford proofs of the prevalence of abuses at that time, which many writers have imagined were first introduced at a much later period. Whether, indeed, we refer to proceedings in Parliament, to King’s speeches, to preambles of statutes, or to the observations of contemporary writers, from Lord Hale to Fielding and Blackstone, the language is uniformly that of dissatisfaction with regard to the parochial ex-

penditure. But it is remarkable that this dissatisfaction does not apply to the treatment of those really necessitous classes, for whom alone relief in money is prescribed by the act of Elizabeth; but to those who are the object of the previous clause, and have no legal claim, in the utmost latitude of construction, beyond that of being *set to work*. Hence arose the innumerable schemes for finding work for the poor, which from time to time took possession of the public mind; whilst no one writer (excepting always Daniel de Foe) seems to have been aware how hopeless were all these efforts of benevolence, and how they tended to nothing but the 'impracticable purpose' so ably exposed by Mr Sturges Bourne's Committee. It is evident, then, either that the Legislature of Queen Elizabeth intended merely to create a Police power for the suppression of idleness; or if, in fact, they intended to go further, that the Legislature of that period partook itself of the error which exists, even in our own day; that of supposing it to be part of the duty of Government to provide work for the people, and that it is in the power of Government to do so.

In legislating for Ireland, with the experience of England before our eyes, we ought to consider the subject under the threefold division of charity, employment, and police; class the Irish population accordingly; and try to ascertain how far any system of Poor Laws, especially how the proposed workhouse system, is required, or calculated in the actual state of Ireland, to attain one or more of these respective ends.

The work of M. Naville, which we have placed at the head of this Article, contains so satisfactory a refutation of many deeply-seated prejudices with regard to providing employment for the poor by the State, that we cannot refrain from expressing the pleasure which its appearance has given us. It is the more interesting at this time, because it treats particularly both of *Les Maisons de travail, et de la Proscription de la Mendicité*—the two principal topics in the proposed Irish Poor Bill. With the candour belonging to talent, M. Naville confesses his first impressions to have been of a totally different character from those to which his researches ultimately led him. 'Lorsqu'il conçût le dessein de traiter la question de la charité mise au concours par l'Académie, son intention était de prouver que les indigens ont un droit parfait aux aumônes; principe dont le système de la charité légale qu'il combat aujourd'hui, est la conséquence naturelle. Mais bientôt il vit la théorie qu'il voulait établir détruite par des argumens d'une autorité irréconçable. Il dut alors changer d'opinion, et se disposer à attaquer les idées

‘mêmes, qu’il avait eu le dessein de défendre.’ M. Naville is a clergyman at Geneva; his work shows him to be actuated by a truly Christian zeal, and the most benevolent feeling towards the poorer classes. Having been a successful candidate for the prize offered by the French Academy on the subject of Charity,—‘considérée dans ses principes, dans ses applications, et dans son influence sur les mœurs, et sur l’organisation sociale,’—he has taken a chapter of the Memoir, written on that occasion, as the basis of these two interesting volumes. The history of all the most important institutions in the nature of Workhouses, in every part of Europe, is here traced with great research and perseverance. The best authorities are resorted to—the accuracy of each fact is carefully weighed. The conclusions which our author arrives at, although not calculated for popularity with some sanguine writers on this side the Channel, appear to be supported by all past experience of these establishments:—‘When workhouses do not either fail altogether, or undergo a complete metamorphosis, they change insensibly either into houses of correction, or into mere alms-houses; sometimes they answer both the one purpose and the other; more than nine-tenths of them enter into the latter of these classes.’

In pursuing his train of reasoning, and in appealing to facts in its support, our author does not overlook the celebrated institution of Munich, which, in its early years, promised so much success under the care of Count Rumford, but which gradually fell away, notwithstanding the strong measures resorted to for its maintenance, and became extinct in about ten years from its commencement. The Hamburg establishment took a still deeper hold of the public mind, and enjoyed a longer existence. It commenced in 1788; and in 1792 it began to have serious difficulties to contend with. Its inmates, during the preceding year, had done only half their usual work: though the numbers remained stationary, the expenses had increased. The rules were rendered more strict; and means were taken to stimulate the benevolence of individuals in its behalf, which had begun to languish. In 1793 further difficulties were met by further measures to control the bad dispositions of the poor. A house of correction was then united with it. From this period till 1809, a constant struggle was kept up between the subscribers, the public, and the inmates; until at length the union with France put an end to the institution, and spared its benevolent founder, Baron de Voght, the mortification of witnessing its natural death, by enabling him to flatter himself that political causes were the real source of its failure. It is remarkable, however, that neither did Hamburg,

upon recovering her independence, endeavour to re-establish her vaunted institution ; nor did the Baron himself (who had survived all these events, and at the age of eighty-five held an interesting correspondence with the British Minister in Denmark), venture to recommend his measure for the adoption of Great Britain.

The town of Hamburg having to begin this business afresh, confined itself to an establishment which gave no work to the able-bodied. And yet the success of the early years of the original institution still seemed to dazzle the eyes of Europe ; and the Baron was applied to for the details of his plan, twenty years after it had crumbled in the dust. Nor has the delusion with regard to Count Rumford's labours been less general. Though the great Munich workhouse broke up in 1799, and left nothing but debts behind it ;—though it is almost forgotten in the country where it stood, it lives and prospers still in the writings of philanthropists. Travellers in Bavaria allude to it in 1806, as if it still existed. In 1822 a leading Journal, published in the Low Countries, advises foreigners to go to Munich to study its admirable results ; and in 1832, M. Huerne de Pommeuse holds it up as a model, and leaves the reader in the belief that it still exists and flourishes !

Among the observations of M. Naville, not the least instructive are those which relate to the laws and practice of France in regard to this matter. Though the Duc de Liancourt had pointed out the abuses prevalent in England (at a period anterior to that which is usually referred to as their date), and which he describes as 'également difficiles de guérir ou de laisser subsister,' still France took little warning ; and her legal charities from 1789 to 1796 exhibited the most dangerous tendencies. In that year, opinion took another and far wiser direction ; and those laws were framed, which still continue, for the most part, in force. She had, however, a narrow escape of being plunged by Napoleon into all the depths of pauper mismanagement. The official papers relative to the establishment of the *Depôts de Mendicité* in 1808, seem entitled to peculiar attention,—stamped as they are with the characteristics of that extraordinary man. On the 24th of November he wrote to M. Cretet, then Minister of the Interior, in the following remarkable terms :—' I attach a great importance, and an idea of glory, to the destruction of mendicity. Resources are not wanting ; but it seems to me that all this goes on slowly, and yet years are slipping away. We ought not to pass through this world without leaving traces by which posterity may recognise us. I am about to be absent for a month. Contrive to be prepared upon all these questions by

'the 15th of December, and to have examined them in detail in such a manner that I may aim a decisive blow at mendicancy by a general decree. Before the 15th of December you must have found in the reserved fund, and in the other resources of the communes, sufficient means for the support of 60 or 100 workhouses. Let the situations be determined upon, and the regulations drawn up. Do not ask me for three or four months for making enquiries; you have young accountants, intelligent prefects, well educated road and bridge surveyors. Go on quickly with all this, and do not go to sleep in the common business of the office. At the same time, every thing relating to the arrangement of public works should be foreseen and provided for; in order that all may be so arranged that at the opening of the spring, France may present the spectacle of a country free from beggars, and that the whole population may be in motion to embellish and fertilize our extensive territory.' The Count, as it may easily be imagined would be the case, obeyed his orders; and great was the delight of the *Corps Legislatif* at its next opening, when he detailed the plan, and informed them that 'la France offrira la solution si inutilement cherchée jusqu'ici du problème de l'extinction de la mendicité dans un grand état.' On this occasion, M. Noailles du Gard, another official personage, closed his speech by exclaiming, 'Reconnaissance éternelle à la bienfaisance du heros, qui assure à l'indigence une retraite et des alimens à la pauvreté!' The reader will naturally ask what was the result of all this, and will scarcely be prepared to hear of yet another workhouse failure. Such, however, was the event. Fifty-nine depots were decreed, and thirty-seven were carried into execution; but according to Dr Johnston's work on the 'Charities of France,' they were found to answer so ill, that between the years 1814 and 1818 the departmental councils demanded the suppression of twenty-four of them; and Duchâtel alludes to the downfall of the scheme in the following terms:—'In France, under the Imperial government, numerous work-houses had been established with great expense and display over the whole surface of the country; but in a little time, so heavy did the cost appear, that the almost unanimous voice of the departments demanded their suppression, and at this day a small number only remains in a state of complete decay.'

There is, however, a spirit of perseverance in the advocates of this species of relief which no failures can appal. Though workhouses, in all the various shapes that human ingenuity can devise, have fallen to decay, still hope continues to hover round their

ruins. Switzerland is not without bitter experience in these matters ; but she is looking forward with fresh confidence to these establishments in a renovated form ; and England, flushed with her recent successes at home, is about to introduce them as a *panacea* for the evils of Ireland.

Many of our readers are doubtless aware, that in 1838 a commission was appointed by the Crown to enquire into the 'condition of the poorer classes in Ireland, and into the various institutions established by law for their relief.' The Commissioners were also directed to report, 'whether any and what further remedial measures appear to be requisite to ameliorate the condition of the Irish poor, or any portion of them.' Three Reports proceeded from this quarter ; of which the second and third are the most material. We have transcribed the title of the first at the head of this Article. These Reports contain many recommendations of considerable value in themselves, for the general improvement of the country ; but in making them, we conceive the Commissioners have gone somewhat beyond the strict object which the Government had in view in their appointment. Doubtless every measure tending to the improvement of property will have a mediate effect on the condition of the lower classes ; but the remedial measures contemplated in the appointment of the Commission were of a more immediate kind ; and pointed rather to further laws and institutions for the *direct* benefit of the poor, if any such could be devised. When they tell us that 'enactments calculated to promote the improvement of the country, and so to extend the demand for free and profitable labour, should make essential parts of any law for ameliorating the condition of the poor,' they mix together two subjects which may and ought to be kept perfectly distinct. Moreover, by taking this view, they foster one of the common delusions by which this subject is embarrassed ; viz. that of regarding the poor as a fixed number, a certain definite quantity, with which alone legislation has to deal. If that were so, the mere extension of demand for workmen would be sufficient of itself to raise their condition ; whereas the common consequence is simply, an increase in their numbers, without any permanent addition to their comforts. If new sources of employment were the one thing needful, the great supply of it of late years in the British manufacturing towns, accessible as they are to Irishmen, would have had a perceptible effect. If an increase of free and profitable labour were the great desideratum, the provision trade during the long war, and Sir John Newport's valuable measure for opening the markets of England to Irish corn, would have altered the whole state of her peasantry. No boon of equal magnitude remains to be given. Ireland has unfor-

unately used this and many other similar benefits rather for the purpose of swelling her population than of augmenting their enjoyments; and while she has added four millions to her numbers during the last half century, she has not risen in an equal degree in the scale of civilisation. It is not, therefore, to resources of this kind that we should be disposed to look with much confidence. Even if the Commissioners could have pointed out 'fresh fields and pastures new' to a greater extent than the nature of things will admit of, we are persuaded that they might be resorted to without leaving the mass of the Irish people in any better state than we now find them.

These remarks are applicable to all suggestions for the better cultivation of estates, and the general face of the country;—for partition and drainage; for the opening of new roads; for enlarging the powers of tenants for life;—objects of value to Ireland undoubtedly, and which will follow in the train of peace, but which it is not well to force forwards prematurely, and thus anticipate the resources of future industry. As changes of this kind are brought into operation, they will naturally occasion a demand for labour, and benefit the peasantry around them. Yet they cannot strictly be regarded as measures for the relief of the poor, and be resorted to *eo intuitu*. But though, on these points, the Commissioners, as we imagine, have exceeded the limits assigned to them in their zeal to promote internal amelioration, and though there are some suggestions in the Report,—as, for instance, that of taxing the interest of mortgages,—to which insuperable objections may be urged; still there are other topics of great importance on which they appear to entertain enlightened views, and have advanced opinions in unison with those which we ourselves profess, and which have been frequently maintained in this Journal.

In the second section they discuss the question of the applicability of the English workhouses to Ireland. They decide against them, and assign reasons which carry conviction to our minds.

In the fourth section, the subject of emigration is gone into, with a disposition, perhaps, to extend this remedy beyond its practicable limits. When it is contemplated 'that those who desire to emigrate should be furnished with the means of doing so in safety, and with intermediate support, when they stand in need of it, in emigration depôts,' it should be borne in mind how very extensive a liability the public would thus be taking upon itself. With every wish to look favourably upon relief of this description, under the circumstances of Ireland, we cannot think it judicious to treat the question so widely. The redundancy of

Irish population varies extremely in different townlands even of the same barony. While one is capable of supporting the inhabitants, its neighbour swarms with a multitude for whom no employment can be found. It is from these latter districts alone that the stream of emigration should be drawn: the owners of property so circumstanced, willing to bear a certain proportion of expense, may be assisted with safety and to great advantage, in clearing their estates. There are peculiar reasons which will justify this interference on the part of the public. We cannot forget that the system of forty-shilling freeholders was one great cause of the extreme subdivision of farms. It happened to suit the selfish purposes of the junta that virtually governed Ireland in 1793, to give votes to their own dependent tenants, though they persisted in refusing every privilege to the better educated Catholics. ‘Has he registered his freeholders?’ was the constant question in Irish society even as late as 1820, when the conversation turned upon any gentleman’s political importance in his own neighbourhood. The object was, of course, to create as many as possible. The jobbing influence of the landlord and the leaseholder rose in proportion. It can be no matter of surprise, then, that subdivisions and sublettings were carried too far, and that a burdensome population was the consequence. Even when the bad effects of this state of things came to be felt, and the owner began to struggle against it, it was long before the law gave him the necessary protection against the acts of his tenant. For many years the legislature unfortunately looked on with indifference; and saw the doctrine of *Waver* (as it was called) establish itself in courts of law, by which the practice of subletting was sanctioned. The estate was no longer under the control of its owner; and a vicious population was enabled to spread with impunity over every part of it. The remedy was indeed at length applied, but incalculable mischief had been done. It is to rectify these abuses that we feel justified in calling upon the State to interpose by means of a well considered measure of emigration. But then it ought, in our view, to be made to bear upon the parts affected only, and not to comprehend the population generally, ‘who desire to emigrate,’ as the Commissioners have proposed.

We now come to the most essential points in the Report, viz. the measures for the direct relief of the poor; and here we meet with much that corresponds with our own previous impressions. A legal provision for the entire maintenance, not of the destitute in general, but for certain specified classes of poor, is recommended. With regard to those who, besides want, are suffering under the privation of reason, no question can arise. Ireland is already

in possession of the most complete establishment for curable lunatics to be met with in Europe ; but the number of incurables has been constantly on the increase, and has been felt for many years to be a very pressing difficulty. A provision for them is advised without hesitation, as well as for idiots and epileptic persons, whom it is very desirable to remove from the presence of the curable lunatic. The deaf and dumb, the blind poor, cripples, and those who labour under permanent bodily infirmities, may safely receive support from the public, provided this is given within the walls of public institutions. The Commissioners consider that relief may be given to the sick poor, not only by means of Hospitals and Dispensaries, as at present, but also by a supply of food as well as medicine, in cases where they cannot be removed from home ; and they also think it desirable to found convalescent establishments to receive those patients who are discharged cured from the Hospitals, but who are, nevertheless, in such a state of weakness as to be unable to pursue their usual occupations, and to be very liable to relapse. Then follows a recommendation of a painful nature undoubtedly, viz. that orphans and deserted children, though entitled to support from the public, shall be removed at the earliest period to the British Colonies. The necessity, however, of some restriction of this kind is unavoidable, in order to obviate the evil consequences resulting from Foundling Hospitals.

The classes above enumerated are those for whom alone an *entire* maintenance is to be provided by the State, according to the view taken by the Commissioners. But in order that the distresses of the unenumerated classes should not be wholly unrelieved, or made dependent upon common mendicancy, the formation of 'voluntary associations' is suggested ; to be sanctioned by law, and to be aided to a certain extent by a grant under the superintendence and control of proper officers. The reasons for advising this species of provision are to be found in Appendix H, referred to merely in the Report, though we regard it as one of the most important parts of it. It would appear from the discussions in Parliament, as well as from the publications of Mr George Lewis and others, that this document has entirely escaped observation. If that has been the case, the Commissioners may justly regret the course they have taken with regard to it. As it contains the opinions of a great majority of them upon the most vital parts of the whole question, it ought surely to have been embodied in the Report itself, and not buried among those masses of papers which it is too much the practice of Commissioners to publish, and of the public to neglect.

As the reasons alluded to occupy five folio pages, they cannot be extracted entire. A short summary of them is all we can attempt, though we are aware that great injustice is thus done to the original. Voluntary associations, then, ought to be encouraged,

1. Because cases of real destitution must arise which cannot be relieved by a compulsory assessment, without bringing claims upon it to an unlimited extent.

2. Because leaving such cases to be relieved by undirected benevolence leads to an extensive vagrancy.

3. Because these two great evils, a numerous pauperism from compulsory provision, and a numerous vagrancy from no provision at all, can best be met by bringing voluntary almsgiving under regulation and system.

4. If voluntary charity be left out of view in any public provision for the poor, those who regard it as a religious duty will continue to give, and a stop cannot be put to vagrancy.

5. Because the best means of systematizing private charity is by the offer of a measure of public aid. The charitable will then readily give their alms through these associations, seeing that the amount will thus be increased, and their own objects promoted.

6. No legal claim could be established against such a fund on the part of the poor.

7. Because a Central Board, in communication with the local committees, would be the means of diffusing information, and just principles with respect to the relief of the poor.

8. Because the example of an organized system of relief on voluntary principles has been afforded in Scotland.

9. Though the fear of an assessment may increase voluntary contributions in Scotland, yet the offer of public aid would be more than an equivalent for such a law.

10. Because a voluntary contribution would be more economically administered than a compulsory assessment—witness the unassessed parishes of Scotland, on the one hand, and the English Cholesbury on the other.

11. Because it would be a waste of available funds to disregard contributions now given freely to mendicants.

12. Because it would be improvident to disregard the assistance of benevolent persons willing to bestow their time on the relief of the poor, and on the necessary enquiries.

13. Because though it has been urged that a system successful in Scotland may not be so in Ireland, yet the fact is, that the experiment of voluntary contribution, aided from the public purse, has been tried in Ireland with success; viz. in the educa-

tion of the children of the poor. This is the principle of the National System. The offer from the public has brought out the private funds. However the people may be interested in the education of children, they are still more so in charity to the poor. Persons have been found, even in the most destitute parts of the country, to administer the education funds; they will be found to administer a poor's fund on the same principle. Religious jealousies, from which Ireland suffers so much, are very apt to arise in the progress of education; but in the relief of the mere bodily wants of the poor, the different denominations are found to act harmoniously together.

14. Because, though voluntary associations, aided from the public purse, may not succeed, at once, in every part of the country, they would tend, as far as they go, to bring the population into a sound state; whereas a compulsory rate would render it every day more difficult to manage.

15. Because, though many might object to a system which would leave the avaricious or the absentee exempt from taxation, there is no ground for that objection here; for all property would contribute to the support of those enumerated classes before alluded to, who may be safely thrown upon public support.

16. If this plan should fail, no evil consequences would follow; and while it existed, it would have little tendency to impair the independent spirit and industrious habits of the poor.

We cannot help observing, with some gratification, that the Commissioners have evidently borne in mind 'the admirable practice of Scotland,' as the Parliamentary Committee of 1817 were pleased to designate it; and that they have shown themselves anxious to introduce in Ireland the great characteristic of the Scottish system,—that of making private charity the basis of public relief.

In every country professing any form of Christianity a fund already exists, which is sure of being called into action, either with discrimination or without, and which produces results accordingly. The legislator cannot destroy this disposition; he ought not to seek to do so; but he may give it a skilful instead of an injudicious direction. Christians will be their own almoners if nothing better can be pointed out; but a Government enjoying the confidence of the people may bring the light of science into connexion with charity, and induce them to let it flow in a far more salutary channel than that of indiscriminate bounty. This result is accomplished in an eminent degree by the *Bureaux de Bienfaisance* in France; and the acknowledged success of the *Armen Direction* of Prussia affords a still further illustration. Nor

is Ireland without numerous successful instances of the adoption of this very principle in the conduct of her great Medical Charities. It appears to have been first introduced by the 45 Geo. III., cap. 3, which founded Dispensaries,—enabling Grand Juries to present a sum equal to that which shall have been raised by private subscription. This system having been found to succeed, received further sanction from the 58 Geo. III., c. 47, which established Fever Hospitals upon a similar basis. Mr Phelan calculates the number of Dispensaries at 528; other writers say nearly 600. But the Commissioners return only 452; of which there are in Leinster 150, in Munster 131, in Ulster 121, and in Connaught 50. In 1833 they were supported (according to Table No. 4 of the Second Report) by Grand Jury presentments of L.24,849, and private subscriptions of L.24,804. They are, no doubt, very unequally distributed; for while Cork has 48 and Donegal 23, Monaghan has 5, and Mayo only 1. It cannot be denied that many abuses have crept into these establishments; and that they stand greatly in need of some central superintendence and control: yet they are, on the whole, charities of great value to the lower classes, both in the country and the towns, and afford, we apprehend, ample proof of the value of the principle on which they proceed. The extension of this principle to the *relief* of the poor in general is the object which the Commissioners appear to have had in view; after they had closed the consideration of those peculiar sufferers to whom alone a *maintenance* may with safety be given.

There is yet another point in the Third Report of great practical moment. Whatever unpopularity may attend the admission, we rejoice to see that the Commissioners have excluded the able-bodied from their scheme of national charity. They evidently agree with the author of the valuable Report of 1817, when he says—‘If any portion of the general and indiscriminate relief which is now given must of necessity be withheld, it can be withheld from none by whom the privation could so well be borne as by those who are in the full vigour of health and strength.’ Concurring as we do in these expressions, when it became clear, from the discussions in Parliament, that destitution alone was to be the ground of relief—that it was not to be limited to classes—but that even the young man of twenty-five (if destitute) was to be included in the provisions of the act—we must own that such a scheme filled us with apprehension. England knows, by sad experience, what it is to take the mass of her peasantry into the care of the parish officers. Is there not enough in her example to deter us from contracting a similar obligation in regard to a country where the evil has not yet taken root?

To say nothing of France and Prussia, both of which have effective Poor Laws, without incurring this danger, what has been the policy of Scotland in this respect? Has she not uniformly considered it more wise and more candid to inform the young labourer that he must not think he can qualify himself, by destitution, for support from the industry of others?

Every one who is conversant with these enquiries is aware of the remarkable omission in the Scottish act (of 1579), of the clause which orders the procuring of work, contained in the 14th of Elizabeth, which is supposed to have been taken as the model. This was not matter of accident. Mr Monypenny, in his excellent treatise on the Poor-Laws of Scotland, informs us, 'that it appears to have been foreseen by the Legislature, that 'to extend, as a general measure of relief, parochial aid to able-bodied men, who happen to be precluded for a season, by the 'state of the times, or other temporary causes, from drawing such 'an amount of wages as may be necessary for supporting themselves and their families, would speedily rivet on the country the 'same degree of oppression which has become the fruit of the 'Poor-Laws in England, and would involve the lower orders in 'the most hopeless state of degradation, misery, and discontent.' In fact, the 'industrious and occasional poor,' as they are called in Scotland, have no right to demand an assessment; and can obtain no assistance except out of that half of the church collections which is not appropriated to the enrolled poor, and which remains at the discretion of the kirk-session. In other words, they have no resource but private charity; and though a contrary judgment was, in one case, pronounced, this took place by a narrow majority, and would not, it is thought, be now repeated.

The enactment of a Poor-Law is a great compact between a government and a people, and it is very desirable that the terms should not be misunderstood by the parties. What the public are willing to do, and what they decline to undertake, should be made clear beyond all dispute. The State should in all cases take possession of the safe ground, and leave the doubtful to private charity. It is no act of real kindness to teach the peasant to rely upon the public. To maintain him in idleness is what no one would propose; to find work for him without depriving some one else, is shown to be impossible. If the whole capital of a country, which the self-interest of its owners naturally devotes to the employment of labour, cannot furnish wages for him, it is preposterous to expect that the State can do so out of that small fraction, not of capital, but of revenue, that can be drawn by taxation into the hands of Govern-

ment. True policy requires that the temporary difficulties of persons capable of labour should be met by temporary expedients alone;—that no fund should be created *à priori*, either within a workhouse or without, to which such persons should be induced to look forward, and thus be tempted away from their interests and their duties.

The scheme of the Commissioners is therefore good, inasmuch as it excludes the able-bodied from a maintenance. The workhouse proposition, on the other hand, is objectionable, because it admits them. If the labourers refuse the offer, it is obvious that their condition is not bettered. If they accept it in any numbers, the project must be swamped at once, and further illustration afforded of the truth of M. Naville's doctrine, that the workhouse, if it continues at all, will either become a simple almshouse, or degenerate into a prison.

The Letter of Colonel Torrens to Lord John Russell, published a few months ago, merits great attention from those who take an interest in this question. He concurs with the Commissioners in all that they have advanced in reference to emigration; and points out the utter hopelessness of removing the social diseases of Ireland by means of the intended enactment. His Tract is written in the best spirit; being wholly free from that acrimony which sometimes accompanies the struggles of rival opinions, even when the common object of all is the promotion of human happiness. 'The able administrators,' he apologetically remarks, 'who have been appointed to carry the provisions of the English Poor-Law Act into practical effect would be more than men if they did not feel in some degree elated by the success which has hitherto accompanied their exertions. The workhouse system has been successful in England; therefore it will be successful in Ireland. This is a conclusion to which they may be permitted to jump; but it is a conclusion in which the Government and the Legislature should be slow to concur. The circumstances which have contributed to the success of the workhouse system in England have in Ireland no existence. To infer, that because it has been successful in England during a period in which the demand for labour in some of the most important branches of industry has exceeded the supply, the same system must also succeed in Ireland, where the supply of labour exceeds in a frightful proportion the means of employment—this is perhaps as remarkable an instance of headlong generalization as any which has occurred since Bacon first pounded the principles of inductive logic.'

The name of Mr Senior stands so high in this branch of political science, that no one ought to make up his mind on

the subject in question without having read his excellent Letter to Lord Howick, published in 1831. To the sentiments therein expressed he still adheres in all essential points. The only modification of them that has taken place in the interval is thus stated by himself:—‘ In that Letter I protested against any compulsory provision for the able-bodied or their families. The only change that subsequent experience has produced in my opinion is, that I now believe that in England, or in any other country in which the standard of subsistence is high, a provision for the able-bodied in strictly managed workhouses, in which their condition shall be inferior to that of the independent labourer, may be safely and even advantageously made. But as this is not the state of Ireland, as the standard of subsistence in that country is so low that any provision which the State could offer must be superior, as far as physical comfort is concerned, to that obtained by the independent labourer, this change of opinion does not apply to that country; and I am forced, therefore, so far as Ireland is concerned, to adhere to that Letter.’ This clear and able reasoner, now known, we believe, to have been the principal author of the English Poor-Law Report (and, therefore, certainly free from all bias *against* workhouses), was very properly applied to by the Secretary of State in reference to the views of the Irish Commissioners. The above passage occurs in the remarks on their Report, which he, in consequence, submitted to Government.

Here, for the present, we must conclude our remarks. The subject is one of such a character, that, whether we take it up or lay it down, we do so with a heavy heart. The State is now apparently about to undertake the maintenance of a vast population in buildings of its own. The able-bodied will henceforward be upon its hands. This is made a debt payable on demand. Ireland is a country where pledges are expected to be redeemed; and promises are not easily forgotten. The Government will be held to its bargain; and if it cannot perform its engagement in one shape, it must try to do so in another. In this manner a fresh round will probably be exemplified of vain endeavours to accomplish that which the best authorities have already denounced to be an ‘ impracticable purpose,’—‘ a condition which it is not in the power of any law to fulfil.’

If our impressions be well founded, the workhouse is a valuable instrument for enabling a wealthy, but highly-pauperized country, to shake off a burden which had better never have been taken up. But to tamper with the independence of the poor man by an offer of this kind, when he has never been the victim of

impolitic laws, and in a country where no employment is waiting for him out of doors, is, we fear, an ill-judged proceeding.

In conclusion, we must not forget to mention, that not one word of limitation of expense is contained in the proposed Bill. The Irish representatives cannot, we think, discharge their duty discreetly by subjecting their constituents to any impost for this purpose, which shall not be both specific in its objects, and limited in its amount. Hitherto they seem to have guarded against neither the one danger nor the other, in their zeal to benefit their suffering countrymen. But we who live at a distance, and have no personal interest in the question, may be excused, we trust, for warning them that the experience of other nations does not bear them out in their benevolent hopes; and that a measure brought forward with the best possible intentions now threatens Ireland, in the name of humanity, with effects more fatal, perhaps, than any which the Penal Code in all its cruelty could inflict.

ART. X.—*An Argument for more of the Division of Labour in Civil Life in this Country. Part First, in which the Argument is applied to Parliament.* By WILLIAM WICKENS. 8vo. London: 1829.

WE believe that there is little difference of opinion among those who are generally termed the Reformers, or Liberal party, and none whatever among those who, regardless of any party interests, look only to the progress of improvement in our institutions, upon a subject which must needs force itself on the attention of the Legislature at no distant day,—we mean the further amendment of the elective system; and, at the very least, the removal of the serious imperfections which experience has discovered in the Reform Bill of 1832. If we consider for a moment the results of the late election, no doubt can remain as to the pernicious tendency of some parts of the Bill; perhaps not much greater doubt as to the necessity of extending its principle, and coupling it with other measures fitted to secure freedom to the people in the exercise of the franchise.

The rate-paying clauses have deprived vast numbers of their votes. The necessity of a yearly registration has disfranchised a still larger proportion. Observe only how these parts of the machinery work. Persons of a certain station, and who occupy themselves with political matters more or less, at all times have

their attention directed to the steps required to be taken for entitling them to vote at an election, come when it may ; they have no occupation that makes the attendance a loss to them ; or they can afford to pay agents for doing what is required. But a poor man feels little interest in the matter, unless on the very eve of a contest ; and the steps which the act requires him to take, bring upon him some little loss and much inconvenience. We are now chiefly speaking of the registration ; and its effect is to throw the whole into other hands than those of the voter ;—that is to say, to give certain persons of large means, and who can afford to employ numerous agents, the control of that operation. There is the expense almost of annual election contests, which the enemies of Parliamentary Reform used always to maintain would fall heaviest upon the popular party, and increase the influence of the aristocracy ; and which the advocates of Annual Parliaments never doubted would produce this effect, unless the measures recommended by them embraced some effectual check to the evil. The check which they hoped would be effectual, was the universal extension of the suffrage ; but as most men seem now agreed that the people are not sufficiently instructed* to render this a safe measure, and as it may reasonably be questioned whether it would wholly remove the mischief complained of, some other remedy must be sought ; if we would not leave the representation entirely in the hands of a few wealthy families in the counties, and a few borough jobbers in all the smaller towns. It is in vain to say that Reform Associations can counteract the efforts of men who find their interest and gratification in spending their money upon keeping up an election influence, by watching the registration from year to year. These Associations will here and there succeed : in great towns, and even in a few contested counties, they may be depended on, at least while excitement prevails. But in ordinary towns, and in the vast majority of places, such voluntary exertion can never make head against the long purses of a few individuals, the train of agents, long in proportion to the purse that pays them. In seasons of tranquillity all men—even in periods of a more stirring kind most men—are disposed to mind their private con-

* This is certainly the prevailing opinion now ; but it may be doubted if any part of the people are more ignorant or more open to imposition than the present electors would seem to have been considered by some of the candidates at the late contests, when they called upon them ' to support Reform because the Queen was for it ;' instead of asking them to support the Queen's Ministers, because they were for Reform.

cerns, much more than those of the State. A few only are politicians by profession; and of these the richer class will have most of their supporters registered, and most of their adversaries kept back by frivolous objections. How should it be otherwise? or how else can we account for the change that has taken place in the representation since 1832? We were of the number of those who in 1835 supposed that the change which had taken place in two years was owing to the Tories being in office at the dissolution; but now the Liberal party has dissolved, and with all the advantages of a new reign and a friendly court, the returns have, we fear, been somewhat worse than before. Nothing can account for this but the evil operation of two additional registrations.

But the Tories, as might indeed be expected, consider this change as indicating a change in opinion among the electors; or what is technically termed a '*reaction*.' We will admit one change to have taken place, rather to be termed *action* than *reaction*;—we believe that a number of persons have come forward who had before been cowed by the triumph of the Reformers, and had shrunk back from a hopeless conflict. But we maintain that there have been no indications whatever of what '*reaction*' means, if it means any thing,—namely a change of opinion;—a falling off from former principles;—a decrease in the numbers and in the steadiness of those Reformers who won the day in 1831 and 1832. The contests in the great towns, with one or two exceptions,—and these accounted for by the kind of influence exercised over the freemen,—have all been decided in favour of the Reform candidates. It is in the counties and the small towns that any defeat has been sustained, where the registration is in the hands of the family interests, and the burgh-jobbers, and where the voters themselves, or Reform Associations, do not superintend the operation. No ingenuity will suffice to explain away this unquestioned fact; or account for a reaction which, like the Simoom wind of the East, cannot cross the threshold of a city.

It is, however, contended on the opposite side of the question, that another reason may be assumed for that change which all Reformers agree in regretting, except, indeed, some strange reasoners, optimists, who, having predicted a contrary result, and declared it to be necessary for the salvation of the cause, now discover that they are much better as they are, and that we ought to rejoice over our disappointment. It is said that the influence of *corruption* and *intimidation* has produced the unfavourable returns. That these have been used extensively, unsparingly, in many cases successfully, we freely admit; and we hold it to be the

bounden duty of Parliament to investigate this important subject thoroughly. But though these means may account for a part, they will not explain the whole of the fact; for surely there was a lavish employment of the same undue means in 1835, when backed by all the influence of the Government, enjoying the hearty support of a friendly court, and an aristocracy and a hierarchy equally friendly and sanguine, they failed to produce the same effect which is now imputed to them, when exerted in opposition to a Ministry reinforced by the accession of court favour,—for the first time these hundred years bestowed upon Whigs;—a Ministry resisted, as might therefore be expected, by disheartened antagonists. Whoever doubts the exercise of undue influence on former occasions, would do well to read the admirable and useful compendium of the evidence before the Intimidation Committee, for which the country is indebted to Mr T. Martin, an old, approved, and zealous friend of civil and religious liberty.* It is needless to add, that those Reformers who mainly ascribe the change to influence, draw from it a new argument in favour of the Ballot. To this plan we are well known to have entertained an extreme repugnance. We still entertain this sentiment; and we remain of opinion that the expedient in question would greatly disappoint those who expect so much from it, especially as regards the counties. We have, however, almost come to think that it must have a trial; because the evil of the present system is so crying, that it becomes impossible to imagine any thing more desperate; and no one has a right to refuse the remedy propounded, unless he has some cure of his own to recommend. But as the Ballot will not, especially in small places, prevent corruption, and as intimidation, particularly in counties, but to a certain degree in towns also, will continue to be exerted, and as it does not profess to furnish a remedy for the defects in the registration, but, on the contrary, will rather make it the more necessary that its machinery should be amended, the legislature cannot be suffered to shrink from the imperative duty of providing some more effectual means than the law at present gives of discovering and preventing corruption, and of facilitating registration. Can we imagine any thing more scandalous than

* We make little account of the argument that such influence was used on both sides, both in 1835 and at the late election. It was employed far more on the one side than the other. To be sure our Irish friends and fellow-labourers rather resorted to an odd kind of topic, when, after complaining of the Tories for using such means, they attacked Mr Rice and others for refusing to do so.

that it should be as notorious to all the world, that seats in Parliament are obtained by bribing the electors, as it used to be that they were purchased from boroughmongers; and yet that this corruption should defy the law, whilst it spreads its baleful influence over the community, to the deadly contamination of public morals, even supposing its political consequences were out of the question? How can Parliament answer to the country for allowing a day to pass without taking the steps which must precede any attempt at applying an efficacious check to this frightful evil? An investigation must be undertaken, not in a few cases, but upon an enlarged scale, commensurate with the mischief. It must be a real and searching, as well as an extensive enquiry. The parties which divide, and which occupy the Parliament more than the country, must lay their account with the public eye being fixed watchfully upon their proceedings in this important matter. The suspicion will very easily be raised, if any slowness, any reluctance, any disposition to quiet or to compromise be perceived, that all are to blame alike. If any class of persons resists a proposition to enquire, or—what in its effects comes to exactly the same thing—if any favour the easy abandonment of such a proposition, all men beyond the immediate influence of party intrigue will at once pronounce that enquiry is only shunned because it is feared.

Although we are fully aware that such a proceeding must be undertaken, and must prepare the way for legislative measures, yet we have very little doubt as to the remedy which can alone meet the exigencies of the case. It is many years since we earnestly pressed upon the attention of our southern neighbours the necessity of adopting an institution which has long been known in this country, and has produced the happiest effects on the administration of justice—we mean the office of PUBLIC PROSECUTOR; not indeed to supersede the Grand Jury, but to act with that much less useful, though we are not disposed to say superfluous, body. If this would be an essential improvement in the general administration of the Criminal Law, it would be peculiarly beneficial in the branch to which we are now adverting. There, a common sense of delinquency, in which all parties have shared, though probably to different extents, prevents prosecution by a kind of tacit compact. Threats are held out, possibly serious determinations formed, during the election, and especially at its close, and in the moment of disappointment, to bring the nefarious means to light by which the victory has been obtained, and drag the wrongdoers to punishment. But with time comes reflection; passion subsides, and prudence rises in its place; money has been lost already, and more expense is begrudged; parties

not hostile, or friends themselves may be implicated; means of investigation are wanting to private individuals; informers are reluctant to come forward, however undaunted, and however rewarded; and somewhat of the odium attached to the informer settles upon those who employ him—but only those private individuals who employ him to support a personal case—not upon a public officer acting disinterestedly in the discharge of an official duty. The result is plainly this, that no evidence is obtained, no proceedings are instituted, by individuals; and yet no one can doubt that a Public Prosecutor could, and the voice of the country and of Parliament would make him pursue the offenders, if his own sense of duty proved an inadequate stimulus. The appointment of such an Officer then, for general purposes, but especially for this province, we hold to be the effectual remedy for the evil. There seems no reason to think that any very considerable alteration in the Bribery Laws would be required for enabling him satisfactorily to discharge the duties of the office.

It seems equally certain that the care of registering voters should be intrusted to another Officer, though one of a different class,—one appointed for life; removed, like a judge, from party connexions or political pursuits; incapable of a seat in either House of Parliament, and removable only by a joint address of the two Houses. It would be quite a sufficient security against his partiality in omitting to claim insertion for any qualified persons, or to urge objections against any not qualified, *first*, that he would act by himself and his deputies, in the face of the country and responsible to Parliament; and, *secondly*, that the concurrent right would remain to others, at least to present their own claims. Whether or not the right now enjoyed, and so grossly abused, of urging objections, should remain, is another question. If it is thought unsafe to leave this exclusively to the Registry Office, at least checks might be devised, by means of costs, to obviate the abuse now so justly complained of, and which so notoriously works to the disfranchisement of many, and the grievous vexation of more.

We have adverted to the most important of the changes which seem to be required in the Reform Bill, supposing it is not thought expedient as yet to depart from, or extend its fundamental principles. Into this enquiry it is not our purpose to enter on the present occasion; but there remains to be considered a subject to which the attention of Parliament is urgently demanded, and which would be equally pressing though all the improvements had been carried into execution, of which the representative system admits;—we mean the manner in which Business is

transacted in the two Houses. To this we shortly adverted in our last Number; and it requires a further consideration.

The work of Mr Wickens, now before us, and which was published several years ago, but has not attracted the notice which it merits, exhibits many of the evils of the present system, if it can be said to deserve such a name; and we take the liberty of strongly recommending it to the reader's attention; though we cannot agree with the author in what forms one of his principal objections to the present arrangement, and appears to be the source from which he chiefly deduces the delays, the confusion, the blundering, so universally and so justly complained of,—namely, members having other business beside Legislation. We do not perceive how any body of mere lawgivers could be collected in this country by the choice of the people, and possess, from their acquirements and abilities, the public confidence. But in other respects Mr Wickens's Tract deserves a careful perusal; and, independently of the information it contains, the cleverness with which it is written, and which enlivens a somewhat dry subject, will amply repay the time bestowed on it. We are content, however, to take the matter up without going beyond facts quite well known to all the world. It has been, especially for the last three Sessions, a matter of universal observation that very little public business was done—that what did go on was ill done—and that the private business was transacted in such a manner as to make it a subject of just regret that any was transacted at all.

That much obstruction has been offered in the House of Lords to important bills which had passed the Commons, is undeniable. But it must be recollected that the greater part of these were delayed till the end of the Session in their progress through the Lower House, into which they had been almost all introduced, although some of the most important of them might just as well have originated in the Upper. The consequence was, that the Lords, having had nothing to do for the first five months of the Session, except judicial business, which occupied only three or four of their number, and private bills, which should not have occupied many more, were called upon, within three or four weeks, to discuss subjects of the greatest importance and difficulty: an example of which may be given in the Imprisonment for Debt Bill,—a complete alteration of the whole law of debtor and creditor, affecting the interests of every member of the community,—brought up from the Commons so late in the Session of 1835, that, if passed at all, it must have been discussed in a few days at the end of August and beginning of September. Next Session

it was introduced in the Lords, but not till too late for giving it a chance of passing that Session; and last Session, instead of being introduced in the Lords, and at the beginning, when there was literally nothing for their Lordships to do, it was again begun in the Commons, and did not reach the Lords till the Session was about to close. There were other measures to which the same remark is applicable in different degrees; namely, that whatever disposition the Lords might have to reject them, the course of proceeding in them, and the time of submitting them to that body, furnished a plausible excuse for doing easily what, in other circumstances, might have proved difficult, if not impossible.

Nor can it be said that the House of Commons is prevented from getting through public business by the attention which it bestows upon the Petitions of the people. On the contrary, a most reprehensible and wholly unconstitutional course has of late been pursued with regard to those Petitions, and which has reduced the right of petitioning to a mere empty form. No member is suffered to do more than state the name of the place, and in a sentence, the substance of the prayer; and all discussion of the matter is stifled—all that discussion to which must be ascribed every success gained for the people against their adversaries in times far less auspicious to popular rights and to the progress of improvement—all is now stifled, and will not be revived, if those times should ever recur when our choice was between that and a general convulsion. There might be less cause to regret this change in the course of proceeding, if the hours gained by it had been turned to any account. But the history of these Sessions has been, for five months, endless talk and absolute inaction; for a few days, hurried disposal of things ill done, and an interminable catalogue of things left undone. Assuredly matters could not have been worse if the practice on Petitions had continued in its pristine state.

Towards the end of the late reign the House of Lords took into consideration the state of Parliamentary business, and the mode of proceeding in it, upon the motion of Lord Brougham, and a Committee was appointed to enquire into the whole subject. A similar Committee was, on Lord John Russell's motion, appointed in the House of Commons. The demise of the Crown, and the early close of the Session, prevented the Lords' Committee from reporting upon the public business, as the Committee of the Commons did. But the Lords' Committee reported upon the subject of the private business, which in the Commons has been postponed; and as their Lordships, following the recommendation of the Report, have entirely altered the whole course of their proceedings in private bills, thus introducing one of the

greatest changes* that has ever been made in Parliamentary business, we must shortly advert to the nature of the evil, that the reader may judge of the urgency of the case, as well as the value of the remedy.

The amount of the private business is enormous. Above 800 private bills were passed in the five years ending 1836; the average being 161 yearly. In some years the number has been much greater; but the bills were less important, and in former times much less contested. In the Session 1792-3, there were above 200; in the Session 1813-14, 298; and in 1825, 282, many of which were severely contested. Within twelve years, no less than 278 Acts have passed for making local regulations in only 45 towns; some have had, during that short period, seven or eight Acts, some ten or twelve; Edinburgh and Glasgow twenty each; and Liverpool no less than twenty-three, or at the rate of about two new codes of law *per annum*. The number of printed folio pages in which this mass of local legislation is embodied amounts, for the single Session of 1836, to upwards of 9000; the local code of the parish of Mary-le-Bonne alone, since 1795, fills a volume of 480 pages.

But the bulk of this mass is by far its least important peculiarity. The subject-matter of it is of a truly transcendent nature,—no less than the suspension, in particular instances, of all the established and general laws of the land, and the introduction of powers and capacities, of disqualifications and prohibitions, of proceedings and of obstructions, utterly unknown to that law; repugnant to all its principles; injurious in the highest degree if not justified by peculiar emergencies; and altogether intolerable unless that justification is complete. Upon the circumstances of each individual case it must depend whether the provisions desired for it are acts of spoliation and violence, or measures necessary and expedient in one view, and thereby justified or palliated by their accompanying compensations. Can any thing be presented to the mind more alarming than that enquiries and decisions on such matters as these should be undertaken without the most perfect deliberation; the most absolute impartiality on the part of those who are to transact them; without the most full and attentive hearing given to all who are to be affected by them? A jury or a juryman sitting upon the most easy and least compli-

* We happened to state, in alluding in our last Number (p. 274) to Lord Brougham's motion, 'that nothing had been done' in consequence of it. The above details sufficiently show that this observation proceeded from inadvertency.

cated case, and of the smallest value to the parties, would be the scorn and wonder of his age, if he had the interest of a farthing in the question at issue—or had been canvassed for his decision by either party—or if he pronounced his judgment without having heard both sides. How is it in the much nicer and more delicate matter of Private Law-making? That any one sits in Committee upon bills the provisions of which directly affect himself, we are not at liberty to state; nor are we authorized to assert that the members flock to the committee-room under the pressure of a canvass; nor are we entitled to dwell upon many other things which have been said touching this subject, and which are not quite so much the topic of universal observation and uncontradicted narrative. But that the members of Committees vote upon the most difficult, the most important, and the most contested questions, affecting the property, and the rights of individuals, without having heard one tittle of the argument or the evidence, we are authorized to affirm; because the House of Commons has printed and published the records of its Committees for the last session, and the incredible fact there stares the reader of each page in the face. We give one or two examples. Upon one Railway Bill Committee, there sat, or were supposed to sit (for it by no means follows they were there during half the meeting), from 40 to 48 members during the first six days. On the seventh day 71 attended, and a division took place; at which there were present at least between 20 and 30 who had only attended partially, or not at all, before that day. Another Committee sat for fourteen days; before the eleventh there was no division, and the attendance, never exceeding 17 or 18, was sometimes as low as 7 or 8; but on the day of division there were 28 present, of whom 7 had never been previously seen at all; and on the divisions which took place that and the three following days, the numbers ran so near that the majority was never greater than *one*. Again, a bill was in Committee for fifty-five days of the Session 1836, and, being lost, was introduced in the next Session, when the Committee sat thirty-five days. The numbers who attended were at first from 10 to 14; then 24 to 26; but on the twenty-eighth day they rose from 26 to 53, and a division took place: the next day they fell again to 27, and on the last day of all they mounted to 43, when the final decision was come to. That the same kind of proceeding has long been habitual also in the House of Lords was repeatedly stated, and not denied by their Lordships, though the abuses generally are believed to have reached a greater height in the other house.

For this crying evil, as well as for the endless delay and un-

bounded expense to parties, which arise from the constitution of open Committees, the Resolutions adopted by the Lords upon the Report above referred to, have provided a remedy, perhaps as effectual as the House itself could devise, without any legislative measures. Transferring the private business wholly from Parliament would be the best corrective. Next to that, a Joint Committee of the Two Houses, sitting under the direction of a professional adviser, as was proposed in the Bribery Bill of 1834, which passed the Lords and was postponed by the Commons. Either of these plans would have required an Act of Parliament; and it is certainly expedient to try what can be effected by the reforms which each House has the honour of making in its own proceedings. The Lords have, it must be allowed, made one which cannot be accused of being scanty; on the contrary, it comes within the description of a sweeping measure. All open Committees on opposed private bills are abolished. In their room are substituted select Committees of five members; and these are in each case to be chosen by a committee of five, whom the House is to name for the purpose of executing that most important though somewhat delicate office. Persons who have any kind of interest in the matter are exempted; which of course means precluded, from attending. Attendance of the selected is compulsory. Each committee is to sit from eleven till four daily, and not to adjourn sooner without immediately reporting to the House; nor to adjourn over any day but Sunday, Christmas, and Good Friday, without leave. Finally, no member is to absent himself from any part of the Committee's proceedings without special leave of the House. That some such reform will be introduced in the House of Commons as soon as the New Parliament meets, there can be no doubt whatever. To question it would be inconsistent with the respect due to the representatives of the people. But the principal object of the foregoing statement has been to bring the whole matter before the present House of Commons; in case there should be any continuance of the feeling which was supposed to prevail with many in the last,—a reluctance to part with the power of serving local interests, which, give it what name we may, resolves itself into a hankering after the opportunity of jobbing for election purposes.

One remark, we are quite sensible, may be made upon some of the reforms treated of in this article. It will be said that we are recommending large changes, and all, or nearly all, in favour of liberal principles, at a time when the opponents of reform have increased their Parliamentary force. We make answer, that if such considerations had weighed during the thirty years preceding the passing of the Reform Bill, neither that nor any other improvement would

have been made in our institutions ; and we were as strenuous in urging the necessity of the various Reform propositions which are now the law, during those thirty years, while things looked far more hopeless for the cause than we trust they ever will look again. We are not to be disheartened by large minorities after struggling so long against large majorities ; we appeal to the country if its representatives are slack in discharging their duty ; but we address ourselves to those representatives in the first instance, and, above all, to those who framed and to those who carried the Reform Bill. Let them be assured of this, that unless such amendments be made in it as shall enable the people to obtain a real representation of their opinions and wishes—a body that will not thwart them or oppress them—they are worse than they were before it passed. For there is no longer a Rotten Borough Parliament, which had for the most part no constituents, and could not venture upon measures vehemently opposed within doors, if the resistance was backed by the people at large. A body which is just popular enough in its origin,—just elected by sufficient numbers to make it appear a free and full representation of the whole community, without in reality deserving that title, if it shall at any time, and by however narrow a majority, give way to undue influence, and join the Court or the Aristocracy against the people, will be found a far more dangerous tool in the hands of power than the Borough Parliament which it has supplanted.

ART. XI.—1. *Fifteenth Report of the Inspectors General on the General State of the Prisons of Ireland in 1836.* Printed by order of the House of Commons: 1837.

2. *Tables of the Number of Criminal Offenders, during the year 1836, in England and Wales.* London: 1837.

3. *A Return of Outrages reported to the Constabulary Office, Dublin, as having occurred during the five months commencing with September, 1836.* Published by order of the House of Commons: 1837.

4. *Ireland under Lord Mulgrave.* 8vo. London: Ridgeway, 1837.

THE question, now so much debated, as to the improvement alleged to have taken place of late, in the moral condition of the Irish people, is one, upon which every Englishman ought to take pains to form a sound opinion, in proportion as he sees the manner in which facts are more than ever distorted by the heats of party. He should make an effort to lay aside for a moment the prejudices which party connexion or party misstatements may have created,—to disentangle himself from the net of newspaper assertions, and contradictions, every day traversing each other,—and judge for himself, upon examination of authentic evidence, as to the truth or falsehood of the alleged improvement, as well as the soundness or unsoundness of that particular policy to which it is attributed. If a generous man, he must exult over the decrease of outrage and disturbance,—the progress of civilisation and peace, amongst his fellow creatures; but if only concerned with the immediate benefit of his own country—he must still rejoice according as he perceives the great interest which England has in the welfare of Ireland. Without entering into questions of commerce or trade—of mutual benefit in peace or mutual assistance in war—estimated by the fact, that the population of Ireland now exceeds a third of that of the whole United Kingdom—he must see, both in the aspect of political parties, as well as in many late political events, convincing proofs of the extent to which a reciprocity of interest is at least generally felt to exist. He will recollect too that it is to one memorable Irish question, peculiarly treated, that we must chiefly ascribe the steady growth of that liberal party which is now in the ascendant, but which, were it not for the vigour, from time to time derived to it

from that fertilizing source, might not even yet have attained its present lofty position. Nor can he fail to discover, in the successive fall of cabinet after cabinet, on that and other Irish questions, a further indication of the great influence which Ireland, whether for good or for evil, is likely to possess in future over the national affairs—an influence which may even determine the principles on which the whole Government of the country is to be permanently carried on. In proportion as he discerns the magnitude of England's interest, and Ireland's influence, must he see the policy of rendering the one as available, the other as salutary as possible.

The two countries are in fact now so closely connected, that the condition, no less than the temper of the one, must sensibly affect the condition and temper of the other. The same lifeblood circulates in both. The same pursuits—the same hopes and fears, or nearly so, actuate both. For our part we rejoice that it is so; because we are confident that those political principles will triumph which are to render Ireland a blessing rather than a curse to England—a source of strength from the voluntary co-operation of attached fellow-subjects—of profit, from the growth, not the destruction, of those wants, which belong to wealth and prosperity.

That there exists in Ireland a very large amount of criminal offences—more perhaps than in any other country of Europe—is not denied. It would indeed be impossible to have eradicated in a few short years, that which has been the slow growth of centuries. The Tories would even wish it to be believed that crimes of all kinds are still as prevalent as in their time. An admission of the contrary would attribute merit to Lord Mulgrave; and this they never will concede, though they can only withhold it, at an enormous deduction from their candour and consistency. But that a great improvement has taken place, is a very simple fact, which we could at once dismiss, were it not advisable to devote some previous consideration to the general features of that dark system by which outrage and disturbance have been promoted, and of that more enlightened policy under which, as we shall presently see, they have been so much diminished.

It is the more important to do so, since the language of the present Tories, as well as their conduct respecting the Irish Corporation Bill, has completely identified their views with those of their predecessors in times past. The very same design betrays itself now, which prevailed centuries ago, and which has ever characterised the treatment of Ireland. When Lord Lyndhurst, acting as the mouthpiece of the Tory party, with a strange forgetfulness of himself, pronounced the Irish to be aliens, in all those respects which are usually ties of union between nations,

and upon that ground urged the refusal to them of a measure similar to that granted to their English and Scotch fellow subjects, he did no more than re-echo the language, and enforce the sentiments of those ancient statutes by which the Irish people are designated aliens—by which reference is made to English *rebels* but Irish *enemies*—and all the interests of Ireland legislated for, as if wholly foreign to those of England. There is a very striking coincidence, too, between the language of the Tory leader and that of James I., who, when the Catholics complained of his suddenly sinking them into a minority in the House of Commons, by the creation of forty new boroughs, had the boldness to tell them that they were ‘a body without a head: you would be afraid,’ he said, ‘to meet such a body in the streets; a body without a head to speak! Nay, half a body . . . what a monster was this . . . a very bugbear!’—And again, alluding to the creation of boroughs,—‘you that are of a contrary opinion must not look to be law-makers; *you are but half subjects, and should have but half privileges!*’

Such was the quaint and insolent language of this despotic pedant to his Catholic subjects in the seventeenth century; and the same in purpose was that addressed by the organ of the Tories to the Irish nation in the nineteenth century,—long after it had been received into perpetual union with England as one country, and after the boldest man of the age had retired before that same headless portion of it at broad noonday!

This historical parallel, when taken in connexion with the avowed principles on which so many other members of the same party also attempted to justify their rejection of every measure destined for the equal treatment of Ireland, at once shows that the present designs of Toryism are identical with its past practices. There cannot, indeed, be a doubt but that, were the opportunity favourable, the action would be still farther suited to the word; that the retrograde tendency which showed itself partially in 1834, in a return to the Orange system, would be followed again to the full length; and that the feeling which dictated the worst policy of England in times past would dictate its continuance in time to come. Let us now see what that system was, for the revival of which the Tories evince so much longing.

England had but one object in view—the total subjection, the commercial annihilation of Ireland. For the attainment of this, all the constitutional laws, the whole spirit of government in the latter, were peculiarly designed. For this it was that an attempt was first made to disqualify the Irish for equality, by refusing them the privileges of the English; and then, as cir-

circumstances changed, to oppose the natural growth of Ireland's strength by the concentrated force of a small party. Neither the object nor the means were ever defended on principles of justice. The end was deemed expedient, and was supposed to justify the mode by which it was reached. The expression was—that the conquest was to be completed—not, indeed, a conquest in the original sense of acquisition alone, but in that of violence and spoliation also! Instead of seeing that the prosperity of Ireland would best serve the interest of England, were it only as increasing the market for her manufactures, it was thought best to crush her as a rival, and deliver her up, bound hand and foot, as a slave, to those whose assistance was requisite for effecting this stern purpose. But is it not strange that, when that which was once the primary object had—by the union and the abolition of all commercial differences—ceased to be any object with England, there should be a disposition, on the part of Englishmen, to retain the system which had produced so much evil—to keep in movement, for the benefit of a small band of Irish, that machinery which was originally designed for the advantage of England alone? Nothing could have been more short-sighted than this wretched policy. One of an opposite kind had marked the progress of Conquest from the East. The Romans invariably gave their institutions to the vanquished. The Conqueror governed the Normans and English under one law. The same principle was adopted by Edward in the reduction of Wales. But here the rule of strength was alone laid down for the reduction of Ireland. The Irish were then, as now, looked upon as unfit for British institutions, and removed as *aliens* beyond the influence of British law. So far from the Irish being unwilling to have the English laws, they even sought to purchase them. Edward I. consented to a proposal of this kind, ‘Provided always,’ to use the words of his reply, ‘that the general consent of our people, or at least of the prelates and nobles of that land well affected towards us, shall uniformly concur in their behalf.’ ‘But the great Lords of Ireland,’ says Sir John Davies, ‘had informed the King that the Irish might not be naturalized, without damage and prejudice, to themselves and the Crown.’* Many are the subsequent instances, too, that might be adduced in the reigns of the Edwards and Henries, of like attempts, similarly frustrated, by those whose selfish interest it was to make the Irish appear disqualified for liberal or civilized institutions. So early do we observe the growth of that mischievous ascend-

* Hist. Tracts, 88.

ancy, which even still finds its apologists in many great Lords and Prelates of our time.

Davies's remarks as to the practical effects of oppression on the Irish character are striking: 'This oppression,' says he, 'did, of force and necessity, make the Irish a crafty people; for such as are oppressed and live in slavery are ever put to their shifts—*Ingenium mala sæpe movent*—and, therefore, in the old comedies of Plautus and Terence, the bond-slave doth always act the cunning and crafty part. Besides, all the common people have a whining tone or accent in their speech, as if they did still smart or suffer some oppression. And this idleness, together with the fear of imminent mischiefs, which did continually hang over their heads, have been the cause that the Irish were ever the most inquisitive people after news of any nation in the world; as St Paul made observation on the people of Athens, that they were an idle people, and did nothing but learn and tell news.' *

When Sir John Davies thus pointed out the evil of treating Ireland on a different plan from England, and rejoiced over the change of system which had been accomplished after James I. came to the throne, he little thought that that change would, as to its expected effects, prove but a nominal one; that the same spirit would continue in a new shape; and that, the original intent remaining unaltered, analogous means would be used for its attainment. Hence, when the Parliament had been paralysed by the creation of forty boroughs—when the country had been scourged by successive confiscations—when every act of violence had been tried, and the growing sympathy between the new race of proprietors and the nation at large rendered its subjection a task of increasing difficulty, recourse was had to the notable expedient of placing all the power and emoluments of office in a small English party. Primate Boulter—a man who, in the days of Popery, would have done honour to the hat of a Cardinal—was selected as the instrument for carrying this new scheme into effect. The anxiety with which he watched the growth of national union is curiously exemplified in one of his letters relating to Wood's patent. He says, 'I find by my own and other enquiries, that the people of every religion, country, and party here are alike set against Wood's halfpence, and that their agreement in this has had a most unhappy influence on the state of this nation, by bringing on intimacies between Papists and Jacobites and Whigs, who before had no correspondence with them.'

* Hist. Tracts, 133.

It was with a view to damp this tendency to union that the Irish Lords Justices, of whom Boulter was one, had the meanness to suppress the loyal petition of the Catholics, intrusted to them to forward to George II. on his accession; and that the Government, some time after, had the boldness to annihilate, at one blow, four-fifths of the constituency of Ireland, by disfranchising the whole Catholic body. The latter was effected by an amendment made, without notice or debate, in a Bill, very harmlessly entitled—for the regulation of elections of members of Parliament;—an apt illustration of the mode in which Irish affairs were transacted; and, in more respects than one, a parallel to a late occasion, when an attempt was made to convert a Bill for the better regulation of those very institutions which ‘the wisdom of our ancestors’ deemed so good for the improvement of the country, into one for their total abolition!

This disfranchisement of the Catholics completed that penal code, upon the evil consequences of which so much has been said and written. It will be sufficient for our present purpose to point out that it was never looked upon in any other light than as the means of upholding that party by which Ireland was to be kept in subjection to England. The support of religion was not one of its objects. Our ancestors—men wise in their generation—never professed to understand how the temporal blessings of life could much influence or promote their spiritual welfare. But, at the time of which we speak, the relation of the two parties was rather that of the Court and Country parties in England, than of the modern Protestant and Catholic parties in Ireland. The former did not become religious, even in name, until there was a temporal purpose to be secured—until its own growing strength rendered it advisable, for the purposes of England, to set the one persuasion against the other; and thus prevent each from obeying those natural laws of affinity which, according as the ties of English connexion grew weak, would soon have consolidated them into one—too strong, perhaps, to submit to degradation. The rigour of the penal laws soon effected the wished-for differences; and as the Court party became less and less English, it became more and more sectarian.

Thus came into being the memorable system of ‘Protestant Ascendency’—originally designed for the suppression of Irish prosperity—proposed to be continued for the opposite purpose; for it is hardly to be supposed that those who call themselves Protestants would, like the Spanish Inquisitors, make the body suffer for the good of the soul! But as there was no religious motive in its establishment, Primate Boulter—good, easy man—betrayed none. As it was a mere name designed for the con-

cealment of its true nature—the ascendancy of denizens over aliens—of the English party over the Irish nation—so, even at the present moment, except with some few blind zealots, whose charity to others varies inversely as their prayers for mercy to themselves, the whole meaning is in the *substantive*. ‘Ascendancy,’ indeed, implies political dominion and political subjection, but no more. The adjective is merely expletive. It expresses, indeed, what was once the necessary qualification for office and favour; but as to its representing any interest of religion,—any thing more than a vague dissent from others, and what Burke calls a ‘theological hostility’ to Catholics,—it is with most as empty a sound as with a noted Orangeman, who understood the religion he professed so well, as to argue publicly and seriously, that that of the Church of England was the most tolerant in the world,—inasmuch as the Liturgy enjoined a prayer for ‘the good ‘estate of the Catholic Church’—a prayer for the religion to which it is opposed!

The evils entailed upon Ireland were of the very worst kind. We see them in the backward state of civilisation, compared with what would have resulted from a more encouraging system. We see them in the poverty and turbulence of the peasantry—in their want of respect for the law—in their improvidence and recklessness of life—in the prevalence of religious animosity—and, above all, in that political temper, which has been the effect of the false position in which the Government and the physical strength of the nation have been so long placed with regard to each other, and which is only now beginning to change under the influence of a better system. In nothing, perhaps, could we find such a clear illustration of the evils resulting from this wretched feeling as in the fact, that no measure in favour of any public interest was ever given to Ireland, during the reign of that policy, except as a concession to the fears of England. This was the natural effect of the derangement of the whole political and social system. The functions of the people and of the Government were totally at variance, instead of conspiring to the same end. That which was the proper object of both was forbidden. And hence it happened that Ireland’s wrongs all arose from England’s security—her gains from England’s alarms. Her progress in improvement—so irregular, so peculiar—has been, in some respects, like what travellers tell us as to the motions of the Sloth, which is powerless in a season of calm, but which, when the wind blows, and the oaks bend and meet, actively pursues its way from tree to tree. Even so has it been with Ireland. The season of an English panic has ever been her time of profit. From the first relaxation of the penal laws against the Irish Dissenters, upon the appear-

ance of the Scotch Presbyterians in arms in 1715, down to the final abolition of the whole penal code in 1829, each change of its objects, each successive mitigation of its severities, has been the consequence of England's alarms. Scotland—America—France, have each in their turn awed her into doing justice to the Irish. It was the fear of the arms of the Pretender, in 1745, that induced her to tantalize them for a moment—until the victory at Culloden—with the more mild and impartial administration of Lord Chesterfield. It was the apprehension of American influence, and the arms of the Volunteers, which compelled her to yield up independence and free trade, and restore the Catholic franchise. It was the fear of revolutionary France which induced her again to tantalize Ireland with the conciliatory government of Lord Fitzwilliam, and prompted Mr Pitt to console with the Irish peasantry upon the great practical grievance of tithes ! It was the fear of those dangers which threatened England in every season of rebellion or of war that suggested the union of the two countries ; the original object being plainly the security of England rather than the benefit of Ireland. Finally, the Act of Catholic Emancipation was a concession to the strength of Ireland herself. He who dreaded not the whole power of France, yielded to fear what had been refused to justice.

The injury which attends this mode of government is not to be told. It spoils the public temper ; teaches the people the arts and advantages of agitation ; establishes rivalry where there should only be emulation ; fixes resentment where there should be generosity, insolence where there would be gratitude ; and as it is said that mercy blesses him that gives and him that receives, so may we say of concessions to fear that they demoralize both the giver and the receiver. In truth, there is no faculty of the public mind which it does not injure. Principles of fear are notoriously the very worst on which government can be carried on, whether the fear exists in the subject,—as under a military despotism ; or in the ruling power,—as in the case of Ireland in times past.

The measures themselves, too, never equal expectation. Upon this complaint in regard to those passed in the days of Grattan, he made this memorable remark. ‘ These measures were concessions ‘ to clamour,’ says the Minister, ‘ and it is because they were felt ‘ by the Minister to be concessions to clamour, that they were in ‘ execution inadequate, in effect unsatisfactory, and in process of ‘ time were evaded and eluded.’ In such cases, the re-action of feeling which succeeds the concession, prevents the measure from being carried out at once to its intended objects ; or the circumstances have changed, whilst the concession has been delayed.

What an alteration, for example, took place in the strength, the views, the expectations, of the Catholic body whilst emancipation was under discussion! The weak had become powerful; and that which was denied as an indulgence in youth was claimed as the indisputable right of manhood.

Another inevitable consequence of this policy is the system of agitation, and the political machinery which it brings into use. The English Constitution recognises the right of the subject to petition—of Parliament to act. The intended action of the people is through the Legislature. But, in Ireland, a deviation from this principle has necessarily taken place. Here the action of the people has been chiefly upon the Legislature, through the instrumentality of public bodies of various kinds,—many of them assuming a corporate form. Delegates, conventions, committees, and associations have been in turn used as effective political engines, adapted to the exigencies of the time;—by their superior judgment, perhaps, preventing the people from running into excess—but, by presenting themselves to view, as the practical organs through which the power of the people is applied, throwing into the shade, perhaps into contempt, the legitimate principles of the constitution.

Such a state of things called imperatively for a change in the mode of treatment. The Tories, though now otherwise disposed—though now seeking to revive the mischievous ascendancy which had produced so much evil—admitted this, when they sent liberal Viceroys to temper the illiberality of their Secretaries; above all, when they granted emancipation, and professed no longer to rely on Orange support. But in this they fell into the same error as their predecessors, after the independence conceded in 1782, which Grattan tells us was ‘an experiment to accomplish impossibilities; to reconcile the ancient government of jobbers and dependents with the new spirit of the people, who had recovered their constitution, by obtaining a victory over that government: it was an attempt to unite the hoary decrepitude of the old jobbing Ministry and the borough Parliament with the dignity, the expectations, the exigencies, and the feelings of what was emphatically called—Young Ireland.’

And be it remembered, that when the emancipation was conceded, the expectations and the feelings of Ireland were higher even than after the events of 1782. The Tories did not perhaps see this. But they ought to have seen it, and acted accordingly. They ought to have perceived that emancipation was sought upon the very same ground that it was refused; namely, that it would give equality, and therefore strength to the country. The friends of the Catholics, and the Catholics themselves, sought it

for its consequences, and not merely for its titular advantages ; and the Tories ought to have suited their policy to this state of things. But they never will act right at right seasons. It was the saying of a late statesman, that the difference between a wise and a commonplace politician, is the same as between to-day and to-morrow. So it is with the Tories. To-day they never will do what is right. To-morrow they will—because they must.

It was in this state of affairs—the Emancipation Act a dead letter—the Orange system openly disclaimed, but secretly approved—the whole animal spirit of Toryism in full activity—that Lords Anglesea and Wellesley commenced a sounder policy. But the change was more conspicuous in the legislative than in the executive functions of Government. The Reform Bill improved the representation. The Church Temporalities Bill relieved the country of ten bishops, and abolished Church-rates. The grand jury system was amended. But still the main thing was wanting in a country where the executive is so prominent. Agitation was as rife—predial outrage as prevalent as before. The Insurrection Act was tried. The Coercion Bill was tried. But still the same result. The fact was, that the liberality of these enlightened statesmen, and of the English Cabinet, was obscured by the chief instrument of the executive. Not a ray of personal conciliation ever reached the people. To them, however, is due the credit of opening the way for the downfall of the Orange system. They introduced the point of the wedge, which Lord Mulgrave has driven home.

It would be foreign to our present purpose to discuss that branch of the general policy of the present Government, which relates to its Legislative functions. The fate which has attended every attempt to improve the institutions of the country is well known. Our business is with the administrative policy pursued by Lord Mulgrave. It is to this almost exclusively that we owe the moral improvement which has taken place in Ireland. Unassisted by the legislature, it has by its own popularity, and the increased vigour of which this admits, done more for the country than its most sanguine supporters would have ventured to predict. It has, in fact, gained the power of enforcing the laws of the land amongst the peasantry, by evincing a determination to enforce the laws of justice in every other department.

That the Irish Government should have possessed so much power, may seem surprising. But the fact is, that the executive is differently circumstanced there from what it is in any other country, with an equally free constitution. It has always been both a more visible and a more variable feature in the Irish than in the English government. In truth, the constitutions of the

two countries were only in name alike. The revolution which established so many rights in the one, overthrew them in the other. To Ireland it was a conquest. It gave a new spirit, indeed, to the people, but it gave them no organ—no effective means of expression. The Irish Revolution, according to the common acceptance of the term, was not until 1829.

From 1688 down to 1782, the Parliament was a mere cipher. The natural order of influence was reversed. The Parliament was wholly independent of the people, and the Government of the Parliament. Their only disputes related to their own and not to the national interests—to the principles of corruption—whether it was to be carried on in the gross, or in detail! In England the executive has ever been more or less under the control of Parliament. In Ireland the Parliament was named by the Government, and the Government by the English Ministry, without any reference to the national feeling—except on the few occasions of alarm to which we have already alluded. The fact was, that the fortunes of the people in one country, followed the fate of parties in the other. In England the executive has been confined to the steady execution of certain laws, according to settled rule. In Ireland it has had liberty to fluctuate in the enforcement of the penal code, according to the temper of the time, or the discretion of the individual. In England it has had to deal quietly with crimes as offences against society; whilst in Ireland it has been driven by its Orange supporters to deal violently with a vast number of common offences as crimes against the state. In England it has been employed with public and general affairs alone. In Ireland it has been mixed up with private and particular interests, in the enforcement of civil and ecclesiastical rights. These circumstances could not but have given the Irish executive a peculiar degree of publicity; and thus made it as powerful an instrument for conciliation as it once was for oppression.

But it has also been more free to change its policy than in England. Here the practice of the executive is so settled, that there is no room for any alteration farther than that which a particular disposition of patronage may produce in its general tone or efficiency. But in Ireland there has been nothing settled but partiality and intolerance. An Irish Lord-Lieutenant has been as free to alter his policy as a Foreign Secretary his—to enforce or relax those regulations as to partiality or preference, which, according as they may be amicable or hostile, may in the end involve the country in the miseries of war, or insure her the blessings of peace. Ireland has been treated as a foreign country too long not to be still an object for negotiation, rather than for settled influence.

But the most important opening for change was as to the known disposition of the executive. Lord Mulgrave knew with Burke, that ‘the most favourable laws can do very little towards the happiness of a people, when the disposition of the ruling power is adverse to them. Men do not live upon blotted paper. The favourable or the hostile mind of the ruling power, is of far more consequence to mankind for good or evil, than the black-letter of any statute.’

Having introduced the name of Burke, whose later writings are of so much authority with the Tories, we cannot refrain from introducing here his testimony in favour of the general features in Lord Mulgrave’s policy. Burke, as is well known, allowed his general political principles to undergo some change. But he never changed as to Ireland. His filial ties proved firm, when those of fashion or circumstances gave way. In a Letter dictated on his deathbed, in the intervals of relief from pain, we find this remarkable passage:—‘There is no hope for the body of the people of Ireland, as long as those who are in power with you shall make it the great object of their policy to propagate an opinion on this side of the water, that the mass of their countrymen are not to be trusted by their Government; and that the only hold which England has upon Ireland, consists in preserving a certain very small number of gentlemen in full possession of a monopoly of that kingdom. This system has disgusted many others besides Catholics and Dissenters.’*

Our space will only allow us to notice, at present, the use of this liberal policy in those particular departments of the executive which relate more especially to the preservation of the public peace,—commencing with the Magistracy—the branch of authority in closest connexion with the peasantry.

In a sound state of society, the relationship of magistrate and peasant ought, in respect to mutual sympathy and confidence, to resemble that of patron and client amongst the Romans. It is to the magistrate that the poor man must first look for protection and assistance in the various disputes that may arise in the every-day concerns of life. It is through him that he obtains the benefit of the law: but it is also through him that he must first feel its severity. It is the magistrate who commits the accused to prison, and enforces the initiatory steps of the law with leniency or rigour. It is he who directs the operations of the military and constabulary force upon all critical occasions. It is he that reads the riot-act! How important, then, is it that

* Letter on the Affairs of Ireland. Works, vol. ix. p. 454.

he should be far above the imputation of partial conduct,—the suspicion of partial feelings. But this happy state was never realized in Ireland. The original employment of the magistracy in the odious execution of the penal laws, and, at a later period, in the enforcement of coercive measures—the sectarian rule which excluded all but Orangemen from office—and their own conduct in several respects, naturally destroyed all sympathy between them and the people. Will it be believed that a magistrate of station in the county of Meath was in the habit of holding an Orange lodge in his own house, which was attended by the police of the adjoining station? Will it be believed that at one place in the South the magistrates were in the habit of receiving gratuitous labour from the people, in defiance of its baneful influence upon the impartial administration of justice? Will it be believed that they were frequently in the habit of encouraging, rather than discountenancing, the faction fights of the South, from the mischievous notion that the peasantry, when contending with each other, were less likely to plot against them! In truth, the absence of any attempt on their part to prevent these disgraceful scenes, contrasted with the ease with which the present Government has accomplished that desirable object, gives but too much colour to the imputation so often cast upon them, that in their hearts they were not averse to them.

But if the magistrates of the South may be reproached with having connived at these scenes, it may, with still greater truth, be charged against those of the North, that they delighted in the encouragement of Orange processions; and that even now, whilst they profess to regret their continuance, they have not only made no zealous exertions to suppress them, but have, in a variety of different ways,—by toasts at convivial assemblies, or speeches at political meetings,—given the lower classes of Orangemen reason to believe, that although they themselves stand aloof from the arm of the law, they would not be sorry to see others keep up the ancient customs—that ‘the spirit indeed is willing, but the flesh is weak.’ On more than one occasion, a magistrate has been known to leave home on the eve of the 12th of July, in order that there might be no authority to direct the constabulary upon that eventful day! In some cases, undoubtedly, the local authorities have evinced a wish to co-operate with the executive; but these honourable exceptions are too few to redeem the magistracy in general from this heavy imputation.

It was not to be expected, that any reliance could be placed upon a magistracy thus circumstanced, as a fit instrument for the exertion of any liberal or vigorous policy. Even, if not reluctant, it would be impossible for those who were suspected of par-

tiality in all party cases, to administer justice with success, either in regard to ordinary or critical concerns. An alteration in this false position of the magistracy could only be effected by the discountenance of partisans—the introduction into the commission of men who would willingly co-operate with the government—and the extension of the system of stipendiary magistrates. The unnatural position which the local gentry assumed towards a government, from which, in spite of themselves, they had obtained the benefit of unexampled peace and security, presented a serious obstacle to much change in the composition of the magisterial bench. It became necessary, therefore, to resort to the substitution of stipendiary magistrates, whose value in many cases, and upon many occasions, we shall presently see. Let us first, however, turn to the work of purification.

The dismissal of one of the highest functionaries of the Orange body, was in itself calculated to attract much public notice. Colonel Verner, a deputy-lieutenant and magistrate of the county of Tyrone, having had the imprudence, at a public dinner (given to celebrate his election as member for the county of Armagh), to propose what the Tory papers, with an amusing inadvertence, call ‘the *obnoxious* toast’ of ‘the Battle of the Diamond,’ could not but be looked upon by his Catholic fellow-subjects, to whom he had offered this insult, as a very suspicious judge—as a person, in fact, wholly disqualified for an office, the object of which is the benefit of the public, and not the personal honour of the individual who fills it. The manner in which he attempts to confuse the explanation required of him by the government, is as ludicrous as it is uncandid. He endeavours to shuffle off the coil drawn round him by his own want of discretion, by presuming on the public want of discernment. He calls the dinner a *private* one, and affects not to remember to which of such occasions the toast referred;—as if the manner in which the public became acquainted with his sentiments could make any difference as to their true character; and as if the number of occasions diminished the criminality of each. The following passage in Lord Morpeth’s Letter puts the matter in a very clear point of view.

‘You profess yourself unable to recognise the conflict alluded to under the above title, by reason of the many such conflicts which have unhappily occurred in the county of Armagh, at places called by the name of the Diamond. If his Excellency could have anticipated that you would have experienced, from this cause, any difficulty in replying to the question addressed to you, he would have referred you to your own evidence, published in the report of the Committee on Orange Lodges in

Ireland, and more especially to the following question and answer, No. 92 :—

‘ Question—The Battle of Diamond Hill took place the 21st of September, 1795, did it not ?

‘ Answer—It did.”

‘ His Excellency need scarcely observe, that the number of such conflicts does not render the commemoration of one or more of them less objectionable, or make it less imperative on him to ascertain the fact of magistrates having joined in such a proceeding.

‘ On account of the long-continued and bitter animosities springing from religious differences, which have disturbed the good order of society, and led to the most lamentable consequences, especially in the county of Armagh, the Legislature has declared certain acts to be penal in Ireland, which, in other parts of the empire are not only not punishable, but not blameable, because perfectly harmless. If an assemblage of persons, even less in number than those who were present at the election dinner in question, should walk in procession through the streets, bearing party emblems or playing party tunes, they would thereby subject themselves to the punishment of the law ; and it may be known to you, that many have suffered imprisonment, and many are at this moment amenable to the law, for no greater offence.

‘ The peasant thus offending is, in his Excellency’s opinion, less culpable than the man of station and education, who, on an occasion to which publicity is given through the public press, celebrates a lawless action arising out of the civil discords of his country, in which the lives of many of his countrymen were lost, as an event the remembrance of which it is desirable to perpetuate with honour.

‘ The former offends against a positive enactment ; the latter, keeping within the letter, violates the spirit of the law, counteracts the object and intention of the legislature, and thwarts the exertions of the Government to carry them into effect.’

In these sentiments every man of good sense and feeling must concur. No government, it is true, has a right to prevent the *individual* from expressing his political feelings, in any manner, or with reference to any event he pleases ; but it has a right to lay such restrictions on the *office* of magistrate, as will render it better adapted for the fulfilment of its legitimate purposes ; and nothing will prove more successful in restoring the efficiency of the magistracy and the confidence of the people,—and be it observed that this is an institution almost wholly for the people,—as the dismissal of the more violent champions of Orangeism. We trust, therefore, that the example will not be lost on the Bench. We know it will not be lost on the People. It is an earnest to both of the determined impartiality of the Government.

The frequent employment of stipendiary magistrates as occasional or permanent substitutes for the local authorities, and the change of system by which this has been facilitated, reflects much credit on the present Government. In former times they could

only be appointed under the Peace Preservation Act, or under the Police Act, when the local magistrates applied for their assistance; but by the late Constabulary Act, the Lord-Lieutenant has obtained the power of fixing stipendiary magistrates wherever they may be wanted, without the previous assent of the local authorities. They were once liable to be used for the oppression of the people; they are now appointed for their protection. Their duties are usually confined to particular districts, where the partial or defective administration of the law require their residence; but upon particular occasions,—as for instance those of faction fights, Orange processions, or contested elections,—they are now frequently sent to temporary stations to co-operate with the Government, as well as to give confidence to the people.

Their use at the elections was very conspicuous, and was universally acknowledged. Upon these occasions, the local magistrates naturally evince such a determined spirit of partizanship, that the people, of whom at least nine-tenths are opposed to their political opinions, look with suspicion upon the administration of justice. On the other hand, the people know that the stipendiary magistrates, if not all actuated by the friendly spirit of the executive, are at least uninfluenced by local prejudices. They know, too, that they are responsible; and jealousy ever vanishes where there is responsibility. It is a singular fact, in corroboration of this, that at the late general election, so distrustful were the sheriffs, and other returning officers, of the local magistrates, when under the influence of excited feelings, that they, as well as the popular party, applied, in almost every instance of a contest, for the assistance of stipendiary magistrates. The whole of the military and constabulary force were under their direction; and notwithstanding the extraordinary excitement which prevailed, such was the excellence of their arrangements, and the temper of their demeanour, that but three lives were lost throughout the whole country. One of these was in Queen's County, where an individual fired upon some people by whom he was hooted; the two others, where the police fired upon the people, by order of a local magistrate,—a gentleman of the county,—against whom the Coroner's jury have found a verdict of wilful murder, and who will be tried for this crime at the next assizes.

When we consider the state of excitement throughout the country, the deep interest evinced by the people at the elections, and the number of them which took place at the same time, we cannot fail to be struck with the result, as a very remarkable proof of the gradual improvement that has taken place amongst the people; no less than of the judicious manner in which the stipendiary magistrates, the constabulary and the military, directed by a Go-

vernment having the confidence of the people, fulfilled their respective duties. The same may be said of their efficiency in suppressing the Orange processions of the North; and the riotous assemblages of the South, where they have met with so little local co-operation. But it is not merely upon extraordinary occasions of this kind that their use is conspicuous: Their dispersion throughout the country, in the ordinary and daily administration of justice, is already producing the best effects. They possess the entire confidence of the people, and in time the altered tone which they must necessarily impart to the Bench, will go far towards restoring to the local authorities the lost confidence of the people.

It is but what is due to the magistrates in general to state, that, as a body, they have not evinced that jealousy of stipendiary assistance, which a few remarkable instances to the contrary might be thought to indicate. If they have not ardently co-operated with them, they have not actively set themselves against them. In two or three instances, indeed, a few hot-headed and foolish men have shown a disposition of this kind, and have provoked dismissal. In one instance in the South, we understand that the whole Bench refused to attend, except upon the absence of the magistrate on special business. What clear evidence of the evil spirit which reigns there! What a justification of the system which gives so much offence! Another instance of a like kind occurred near Galway:—A magistrate having been appointed to that town, on the memorial of the mayor and inhabitants, and the business there not being sufficient to occupy his whole time, his jurisdiction was extended over the adjoining barony, within which it became his duty, according to practice, ‘to visit all the petty sessions, to make himself known to the magistrates; to attend at those sessions, where, from a deficiency or temporary absence of the local magistrates, or from other causes, his services should be most required; to assist the local magistracy, when called on, in any judicial investigation; to attend the fairs held in his district, especially those at which any violation of the peace may have been of common occurrence; and to co-operate with the local magistracy at all times and on all occasions.’ In pursuance of this duty, he visited Headford, amongst other places. This was exceedingly unpalatable to the Bench there. Strong resolutions were passed against this ‘unconstitutional’ aggression. The Chairman wrote to Lord Morpeth to say that it was an insult to the magistrates—‘a sacrifice to the Mo-loch of Agitation’—and that he only did not resign, as he preferred ‘to wait the more distinguished honour of a public dismissal, should he be thought worthy thereof,’—an honour which, of course, could not be refused to such a man! We mention this

as an example of the weakness of the magistracy, rather than the vigour of the executive.

In no instance is the vigour of the Irish Government so conspicuous as in its management of the constabulary force, upon the character of which the preservation of the public peace must so much depend, in a country where there is so little co-operation on the part of the local authorities. The salutary change which has taken place in this body is in part due to the provisions of the act passed in 1836, and in part to other circumstances, presently to be noticed.

Instead of four provincial inspectors, each pursuing a system of his own, there is now but one inspector-general, whose office is in Dublin, and forms a department in that of the Chief Secretary; an arrangement which brings with it all the advantages of centralization—uniformity and promptitude of action. Instead, too, of the former circuitous procedure under the Insurrection Act, of first proclaiming a district, and then appointing a police force to it, the executive can now, upon the appearance or even apprehension of outrage, instantly move any amount of disciplined force to any quarter where it may be required. It was by this power, combined with that relating to stipendiary magistrates, which enabled the Government to crush the Orange disturbances in July last, and to preserve peace so successfully at the last elections.

The patronage of the men has also been transferred from the local magistrates to far safer hands. All appointments and promotions, as far up as the office of head constable, rest with the inspector-general; and even upon the higher appointments by the Government he has a negative, if, after examination, he does not think the individual qualified. The discipline of the men, too, is much improved. They know the inevitable consequence of irregular conduct. Intoxication—even a single instance—is followed by instant dismissal. The united effect of judicious regulations strictly enforced—of a better selection of men and officers—of the certain promotion of merit, and equally certain punishment of misconduct, is already visible in the improved demeanour of the men, and their more regular and energetic discharge of duty. If the manner in which they are scattered over the country in small detachments, and thus, notwithstanding the most vigilant superintendence, necessarily left much to themselves, be borne in mind, their steadiness, sobriety, and efficiency cannot fail to excite surprise: it has already, indeed, commanded the admiration of military men.

To the present Government is due the credit of having introduced the measure under which these important changes have

been made ; as well as of having selected such a man as Colonel Kennedy to carry its provisions into effect. No small praise is due to him for the manner in which he has organized this important force, and endowed it with so much vigour and promptitude of action. But its increased efficiency has been much facilitated by the decline of that hostile feeling with which it was once regarded by the people,—arising in part from the mode in which the men were appointed—and in part from disaffection to the Government under which they acted. In nothing, indeed, do we see the advantage of a liberal policy so clearly as in this change. The title given to them of ‘Peelers’ at once indicates the character which the popular feeling assumed. But its expression was not confined to the use of an opprobrious patronymic. Their presence would have been the signal of attack, upon many of those occasions when they could only be of use, by being unmolested. The fact that, previous to the Vice-Royalty of Lord Mulgrave, they had not been allowed to attend at fairs, through fear of their collision with the people, is a very remarkable proof of this. Several lives had been lost on one of these occasions, and it thence became a rule that they should not attend. The peasantry were, accordingly, left to indulge, without control, in those practices which usually attend their assembling in large numbers. What a satire this on a Tory Government ! Now, however, they can not only attend fairs, races, and the like public assemblages, without molestation, but even without particular notice. We see further evidence of this change, too, in the total absence of any attack upon the men when now proceeding from one place to another, even in the smallest parties ; and in the non-existence of any complaint against them, after the arduous duties which devolved upon them at the general election. But whence this change ? It is not that the men are altogether different ; the majority being composed of those originally appointed by the Orange magistrates, and of known Orange propensities. It cannot arise from any organic difference in the force, for the people could not see this ; they can only feel the effect in its greater vigour. The truth is, it has arisen from a change in the *spirit* by which the whole system is actuated,—in the men by whom it is directed.

‘The instrument is the same,’ says the author of the pamphlet before us, ‘but it is in other hands. The body is still in composition what Mr Goulburn made, and Lord Mulgrave found it. Still, properly speaking, it is a partisan force—a sectarian establishment. Indeed, on the accession of the present Government to power, the vice was still more heinous : Orangeism prevailed extensively in this as in other departments of the public service ; the force appointed to preserve public peace was engaged in confederacy against public liberty. A convenient tool

for the work of pacification! No government, less energetic, could have kept such a force in control; no government, less popular, could have made it available for the objects of its institution. Acting under the directions of Sir Henry Hardinge or Sir William Gossett, it was no more than an Orange yeomanry in green uniform. Acting under the commands of Lord Morpeth or Mr Drummond, it already begins to be looked on as a National Guard. When we recollect,' he continues, 'the light in which the Police were considered in most parts of Ireland, not two years ago, and remember the odious duties in which they have been engaged for the last twelve months, under the authority of the Court of Exchequer, it will be owned that this is no trivial revolution of feeling, and no slight evidence of the mild but powerful dominion which the present Administration has gained over a people whose affections were believed to be irrevocably alienated from British government.'

But here, as in the magistracy, much good effect has been produced by the open removal of partizans. The late Constabulary Act requires each man, upon his appointment, to declare that he is not connected with any secret society. His subsequent attendance on any such would be followed by instant dismissal. The first symptom of returning confidence on the part of the people followed the discharge of a constable, who was seen coming out of an Orange lodge. There has not been one law for the rich and one for the poor; but the magistrate and the constable have alike been reduced to the alternative of serving the public with impartiality, or not at all. The natural effect of this was to restore that proper confidence which was wanting in the South—to destroy that improper confidence which prevailed in the North—which encouraged the people to risk the commission of party offences, with the expectation of almost certain impunity.

The change in the service, too, upon which the constabulary are employed, contributed much to bring about this desirable result. It had been the unconstitutional practice, under Tory Governments, to employ the constabulary in making *distresses* and *serving* civil processes. Following the precedents of arbitrary times, the clergy, and even landlords, had learned to use the soldiers and constables as tithe-proctors and bailiffs! The ordinary powers of the law were laid aside, whilst indolence or the love of violence displayed itself in this baneful practice. The army as well as the constabulary were thus mixed up with the poverty and distresses of the peasantry, rather than opposed to their crimes and offences; and were in this way associated with the tyranny of the 'Driver,' and the exorbitance of the 'Proctor,' more than with the public vindication of the law. A natural feeling of chivalry amongst the Irish often saved the soldier; but their hatred fell with unmitigated severity on the policeman, who, in the very same proportion, became inefficient in his proper

sphere. The present Government accordingly determined to change this practice. Against this wise determination all the batteries of the Orange party were for a time opened. No pretence was left untried to entice the interference of the executive again; and the Castle was besieged with applications for the assistance of the military and constabulary. The Church was, as usual, the foremost and loudest in its calls. The blood was scarcely dry upon the field of Rathcormack, when again and again the executive was pressed to renew the practice, which had there led to such fatal consequences! But, in each case, the reply was, that the police or military force could not be called out, except in case of actual riot, or breach of the peace. Ribaldry and abuse vented themselves in vain; and the Government, to the joy of all good men, remained intrenched in its safe position.

The nature of this position and the soundness of the rule, now established, will be shown most clearly by explaining, that there was only one occasion in which any pretence existed for the employment of the constabulary, in this way, by the executive. The Assistant Barrister had not the power, possessed by the superior courts, of *substituting* service of his process;—that is, directing some act to be done, which should be deemed, in the law, equivalent to the more hazardous step of actual service upon the person, or at the habitation, of the defendant; and, therefore, to prevent an occasional difficulty in the course of justice, they were employed in these cases. But now, by a very salutary act of last Session, the power of substitution has been given to the Assistant Barrister, and the pretence no longer exists. In all other cases, the writs and decrees were either directed to the Sheriff, or the Court had the power of substituting service. In either case, the intervention of the constabulary was uncalled for. The Government has accordingly left the constitutional authorities as the constitution formed them; and has established this wise rule, *first*, that the aid of the constabulary shall not be given to enforce civil rights by distress; and *secondly*, that such assistance shall never be given, even for enforcing the decree of a court of justice, where provision has been made for the execution of such decree, through the medium of the Sheriff; inasmuch as that officer can, of his own authority, obtain whatever police or military he requires. The grand object thus gained is, that the frequency of collision with the people will be avoided, and the constabulary will no longer be employed upon such an offensive duty by the direction of the Government, but only upon what must be of very rare occurrence—the requisition of the Sheriff, when he finds that the ordinary powers of the law fail him.

One exception alone exists to this salutary rule—we mean the

Writ of Rebellion. Baffled by the steadiness of the Government in its purpose not to injure the public strength, and impair the usefulness of the constabulary, by their employment upon such an odious duty, the Tories flew for assistance to the Court of Exchequer. The learned Barons, true to their calling, found a little old law for the occasion. They revived an obsolete process, by which the police force was taken altogether out of the hands of the Government, and placed at the disposal of Commissioners. To these men the Court intrusted the command of the constabulary, with extraordinary plenitude of powers. Fortunately the Government firmly forbade the exercise of that which enabled them to break into houses by night. But the extent to which their employment by day reached, may be estimated from the fact that, in the short space of eighteen months, writs of rebellion were issued against no less than 2000 persons! But, happily for the country, the Lay Association, a body of the clergy in the clothing of the laity, with whom this contrivance originated, is no more. The bitter spirit which was then at work has either worn itself out, or is brooding over some new project of apparent benefit, but real damage to the Church. In whatever form it may re-appear, we may feel confident that the constabulary will not be again much mixed up with their unpopular proceedings. But Lord Mulgrave did not rely alone on the ordinary powers of the executive, in his efforts to preserve peace for Ireland. Confident in the popularity of his government, and the personal attachment of the people, he visited the disturbed districts in person, and there called upon the well-disposed part of the inhabitants to give him their active assistance in the suppression of disturbances. This call upon the yeomanry of the country, so complimentary to their public spirit, was not made in vain. The suggestion was fully appreciated, and a Central Society immediately formed in the county of Tipperary, 'for the suppression of outrage and the maintenance of peace.' The duties of its members were defined to be, 'to discourage bad characters—to refuse to employ or keep such persons in their houses—to report to some one of the committee the appearance of any bad character, or any person accused or suspected of crime in their neighbourhood,—to communicate to a magistrate, or to one of the committee, any facts likely to lead to the prevention of outrage,—and to use every exertion to prevent fighting between factions at fairs.*' The reasons given by the mem-

* *Tipperary Free Press*, 11th May, 1836.

bers, for the formation of the society, were thus explained :—
 ‘ They have associated thus at this time, because they are convinced that a spirit and temper have fast grown up among the people, inclining them to aid the efforts of a vigorous and enlightened Government in extending to all parts of this island the protection of equal law ; and, in order to answer the reasonable expectations of such a Government, that the exertion, thus made for the people’s benefit, shall be seconded by the people’s co-operation.’

The design of this association was as good as its operations throughout its numerous parochial branches proved useful. The most perfect state of society is that where the influence of public opinion is strong enough to control the habits and feelings to which it is opposed, without the frequent interference of the executive. The present was an attempt to create an effective law of opinion—to call into being amongst the many, that which is the noble principle of self-control in the individual. It was an attempt to establish the mildest, but not least effective form of local government, by example. The members of the society pledged themselves by a public declaration, to which their names were affixed, to exert themselves individually and collectively to suppress all agrarian outrage and factious riot ; and thus the great body of the farmers were drawn into union and mutual support, who had before been scattered, and at the mercy of the ill-disposed. The obstructions which had once existed to such an extent in the ordinary course of the law, soon vanished before this new engine of pacification. The injured were no longer afraid to prosecute—witnesses to give evidence—or juries to convict ; and to it, no doubt, must be attributed much of the ease and expedition with which the executive has restored the blessings of peace and good-will to what had been previously one of the most disturbed counties in Ireland ;—a county proverbial for the turbulence and outrageous conduct of its peasantry. We may well ask, does this result in any way countenance the weak ridicule which the enemies of every thing like popular influence have attempted to fix upon a design so well conceived, and so well executed ?

We now come to the evidence of the change which has followed these wise and vigorous exertions of the Government. But, in connexion with this, it is of much importance to consider the peculiar character of Irish crime. This will at once appear upon comparing the number of persons committed to prison, in England and Ireland, on charges of criminal offences in 1836. The subjoined table does not of course give us a true idea of the absolute number of offences in each country, because

several persons may be—and in Ireland most commonly are—concerned in the commission of one offence—particularly that of murder. But it does give us a perfectly accurate idea of the extent of criminal disposition, which is of more importance to us at present.

Number of Persons Committed on Charges of Offences.	England and Wales.	Ireland.
Against the person, ...	1,956	7,769
Against property, { With violence, ...	1,310	671
Without violence, ...	16,167	6,593
Maliciously, ...	168	500
Forgery and coining, ...	359	214
Not included in above classes, ...	1,024	8,144
Total,	20,984	23,891

Now if we take the population of England and Wales as amounting to fourteen,* and that of Ireland to eight millions, we might expect that, if all other circumstances were alike, the number of offenders, in each, would be in the proportion of the population; or, in other words, that the number in Ireland would not be much more than one-half those in England. But what is the fact? The numbers committed for malicious injury to property are nearly *six* times, and for offences against the person *eight* times, greater than might have been expected; whilst the numbers for offences against property *with* violence, and for forgery and coining, are those alone which come near the proportion; and for offences against property *without* violence, there is one-half less in Ireland than a comparison with England would indicate. The last item does not afford an exact comparison; but it contains chiefly offences of a riotous or lawless description, and exhibits the same tendency towards personal offences amongst the Irish.

Again, if we compare some of the principal offences in the same year, we shall find, as in the following table, that the committals are, as near as may be, for murder nine times, for attempts

* According to the census of 1831, the population of England and Wales was 13,897,187—that of Ireland, 7,767,401. According to the census of 1834, the latter had increased to 7,943,940; but that of England has not increased at the same rate; so that the numbers are probably what we have stated.

to murder four times, for riots seven times, and for manslaughter nearly three times greater than might have been expected; whilst conspiracy to murder, taking forcible possession and attacking dwelling-houses, are exclusively Irish. The numbers for burglary and robbery are nearly in the proportion of the populations. But housebreaking appears to be but a little more than one-half as frequent as in England.

Number of Persons Committed for	England.	Ireland.
Murder, ...	73	340
Attempts to murder, ...	118	192
Conspiring to murder, ...		31
Manslaughter, ...	201	280
Burglary, ...	279	130
Robbery, ...	334	198
Housebreaking, ...	407	86
Riot and Pound breach, ...	524	1766
Taking and holding forcible possession,		133
Attacking dwelling-houses, ...		209

The conclusion to be drawn from this disparity is, that the characteristic feature of English crime is a predominance of the dishonest or selfish motives—of Irish crime, of the violent or disorderly passions. The one has more reference to property, the other to persons. No doubt the small number of offences in Ireland, under the head of ordinary stealing, is in some part due to the lesser degree of temptation. There is no question, however, but that it arises, in the greater part, from the peculiar temper of the Irish. In no country, perhaps, is there so little respect of persons—so much of the possessions of others. This appears almost as contradictory as the alleged combination of good-nature and a passion for duelling in the American character. It is, indeed, one of the most striking of the numerous anomalies which present themselves in Ireland. Nowhere, perhaps, could the stranger travel, by day or night, with less danger of molestation—nowhere would a native, who had at all interfered with the peasantry, expose himself with so much peril. The peasant, who in his want and distress would not touch his neighbour's goods, would yet murder him if he belonged to a different faction, in time of hostilities; or if he refused to submit to those agrarian laws, which poverty and desperation enforce, with the usual penalties upon life, limb, and property.

But let us now ascertain the extent of the peculiarity before us, by comparing the different kinds of offences, in Ireland, with each other. The classification of offences in the constabulary returns varies from the old legal division into those against the person, and those against property, by the addition of a distinct head for those 'affecting the public peace.' This division is, perhaps, the best that the ordinary terms in use will allow; and gives us an approximation to what we seek. We find, accordingly, that of 519 outrages in the month of June of the present year, no less than 227, and of 414 in July, no less than 156 come under this new head; and this—at a time when, as we shall presently see, offences of that description have so much decreased—will give some idea of their comparative prevalence.

But if, instead of dividing outrages according to the thing injured, or the effect actually produced, we could divide them according to the effects they are *intended* to produce,—that is, according to their final objects or *motives*,—we should at once obtain a new and very interesting view of our subject. It is the intent of one man in killing another that makes all the difference between murder and manslaughter. So it is the purpose which outrage is intended to serve, that indicates the kind of demoralization which leads to it, and the prevalent disposition of the people. Such a division would perhaps have the fault of not being sufficiently distinct in practice; but still, for all general views, it is easy to see that there are two classes, having very distinct characters—the one containing all those offences where there is no ulterior purpose; where, in fact, the commission of the crime is the only object—as, for example, a common robbery; or those which are merely instrumental with reference to others—as, for example, murder to facilitate or conceal robbery;—the other, those intended to produce an ulterior effect which may not be in itself criminal—as, for example, the intimidation of an incoming tenant. The effect intended to be produced here is exemplary. The burnings in the southern counties, and crimes incident to combinations in the manufacturing districts, are instances of the latter class, in England. Here, however, these are of rare occurrence; but in Ireland, it would be found that they include the greater part of offences affecting the public peace, and many of those against property and persons. From the table which we shall presently give of those offences which seem to indicate this exemplary character, or are intimately connected with it, will be seen that out of 11,359 outrages in the year 1832, and 7907 in 1836, no less than 6374 and 2185 respectively, were, in all probability, of the description to which we allude.

The fact is, that the peculiar position of the Irish peasantry, and the extraordinary treatment which they have received, have given a peculiar turn to their offences. Absenteeism, and the want of manufactures, deprives them of almost all opportunity of labouring for hire. Their sole dependence is upon land; and they contend for its possession as for their very existence. With them it is the great necessary of life. Hence the growth of the White-boy system, having for its chief object, to maintain them in their farms in despite of the landlord, and the ordinary powers of the law; and attaining this by that frightful machinery of intimidation, once visible in the murders, nightly meetings, threatening notices, turning up of land, and other offences of that description, which still swell the calendar of Irish crime, although diminished to one-third their original amount in five years.

Our object in calling attention to this striking peculiarity of Irish offences, is with a view to the power of the executive over each class. A change of policy can have little influence at first over those of the selfish or dishonest kind. These pertain to society in almost every shape. They arise from the natural tendency of man to evil; and are as prevalent—nay more prevalent—in England than in Ireland, where opposite systems have been pursued. A more tedious process is always required for the eradication of those dispositions which belong to man individually, than to man collectively. There is a remarkable illustration of this, in the fact, that the decrease which has taken place in the number of Irish offences has been chiefly in those of the disorderly kind; the others showing but little variation. We must create a moral feeling by education to check the latter. We must create a love of order to prevent the former. It is over these alone that a government can exercise any immediate control. Good government will, no doubt, in time improve the moral condition of the people; but it can sooner produce a change in disorderly habits—especially amongst a people naturally so open to conciliation as the Irish. The offences of the kind to which we now allude, have general objects which can be known and watched, and which are, therefore, more tangible.

But still, if we recollect the great influence which want exercises in stimulating to the commission of these offences, and how little power an executive government, unassisted by any important legislation, has over that source, we cannot fail to be surprised at the decrease which has taken place in Irish outrages.

The following statement of the number of offences of all kinds committed in Ireland, exclusive of those in the districts of Dublin, Cork, and Limerick, during the last five years, shows the

astonishing decrease which has taken place, from first to last, under a Liberal Government; no less than the equally remarkable temporary increase under the Tory Government in 1834-5; when, as is well known, the country was in such a disturbed state.

1832.	1833.	1834.	1835.	1836.
11,359	9,635	9,927	10,575	7,907

It is but right to observe here, that, after the first six months of 1836, the constabulary returns cease to contain a number of petty larcenies, and other minor offences of a similar kind, too trifling to be proceeded with. The decrease on the total number of offences thus appeared greater—to the extent of perhaps 400, but certainly not farther—than it would otherwise have been. Yet, with an allowance for this, what an improvement! a decrease from more than eleven to less than eight thousand in five years!

But, to exclude the smallest opening for cavil, we shall now compare for the same years, the number of those outrages which are wholly unaffected by this change in the enumeration; selecting those which seem to indicate general motives, or which affect the public peace, and over which, as we have already said, a liberal executive has most preventive influence.

NUMBER OF OUTRAGES COMMITTED IN THE YEARS					
	1832.	1833.	1834.	1835.	1836.
Homicide, ...	244	229	278	261	231
Firing at persons, . .	211	130	105	83	78
Burning, ...	571	490	548	567	465
Levelling, ...	87	61	137	136	80
Attacks on houses, . .	2122	1446	923	818	518
Demand of arms, . .	673	337	247	224	147
Administering oaths, . .	317	206	152	101	73
Illegal notices, . . .	2149	1121	701	755	593
Total,	6374	4020	3091	2945	2185

Here we observe a progressive decrease—from six thousand to two thousand—upon the number of those characteristic offences, which have such a baneful influence upon the prosperity of Ire-

land—which render property apparently so insecure, peace so precarious.

But it must be recollected, in reference to all these tables, that the greater efficiency of the constabulary force has, of course, increased the later returns, not only by many offences, which would have passed unnoticed under the former system, but also by many of former occurrence, which increased vigilance has brought to light. During the earlier years which we have compared, little effort was made to suppress Orange processions, &c., still less to detect the crimes growing out of the former. Nay, as we have seen, the constabulary were not even allowed to attend fairs. The general returns accordingly show that there were no assaults on the police in 1832 and 1833,—a thing most unlikely, had they done their duty. In England there were no less than 477, and in Ireland 132 committals in the year 1836, for assaults on peace and police officers in the execution of their duty; which at once shows how little the constabulary were employed for good, in comparison to what ought to have been, and now is, the case. The obvious effect of this is to make the later returns a more correct representation of the state of the country, whilst the earlier returns are very defective. The real is therefore much greater than the apparent decrease.

But we shall see the immediate effects of a popular and vigorous Government more clearly, perhaps, even than in these tables, if we look to the manner in which the executive has dealt with these prolific sources of outrage—the Faction Fights of the South, and Orange processions of the North. Fights at fairs and markets, and those fierce combats amongst the southern peasantry known as ‘faction fights,’ had, indeed, long been the source of outrage, both in their immediate and their remote consequences. The former were, perhaps, of the most frequent occurrence; and generally arose from some accidental circumstance, favoured by drinking and the absence of an official police. The latter were of a more aggravated description. They were feuds of the most deadly kind, cherished from year to year between large bodies of the peasantry; and partook more of the character of those which prevailed amongst the Scottish clans than any thing known in modern times.

The transition from lawless assemblages of this kind to Whiteboyism was easy; and it is, in fact, to these, and to the lawless habits which they generated, that we may trace the greater part of what we have shown to be the characteristic crime of the country. Not only, too, were the districts in which they occurred disturbed, but a general character of turbulence was given to the

adjoining country,—a character exaggerated, at a distance, to a degree too often calculated to deter the capitalist from embarking his property amongst so lawless a population. But the effect was still more extensive; for, even when settled in large towns, such as Manchester, Glasgow, and New York, the Irish peasantry preserved the habits produced by their frequent riots at home, not only without punishment or censure, but often with popular applause. To this cause may be ascribed the very frequent disturbances amongst the Irish settled in those places; and which, whilst they continue, must keep alive those prejudices against the nation, which, we regret to say, still exist in many parts of the empire, and even in America.

We have seen that the unpopularity of the constabulary under a Tory *regime* prevented even their appearance upon the occasions to which we allude. Now it is their duty to attend all fairs and similar assemblages. Their instructions tell them that it is the fixed determination of the Government to suppress all riots and faction-fights; that they will be held responsible for these occurrences within their respective districts; that as the meetings of the peasantry for the purpose of faction fights require previous concert, they ought to obtain the means of ascertaining who are the leaders, and what are their designs; and that, in order to prevent compromise, they must themselves be the prosecutors. The consequence of this has been, that, in an incredibly short space of time, these faction fights have been almost entirely put down. The only one of any consequence which has taken place within the last twelve months occurred in the county of Kerry, where they were formerly very prevalent, upon the occasion of the constabulary being sent to Tralee to attend the election.

But although these ferocious combats may be said to be now almost entirely suppressed, it is not to be expected that the habits which have grown out of their long continuance will have been eradicated in the same short space of time. The instance referred to shows, that the moment the control is withdrawn, the same spirit of riot breaks forth again. But a permanent reform of manners is the slowest of all reforms. Time and care are both necessary to give them a new aspect. But even, in this short period, a very decided improvement is visible. The peasantry, who suffered the most seriously in these combats, are beginning to be fully sensible of the good effects which their suppression must produce for themselves and their families.

The contest between the Government and the Orangemen of the North was not the least arduous of those in which it has been engaged. Here it had to contend against a strong political hosti-

lity towards itself—against the waywardness of the favourite and spoiled child of former Governments. Some excuse may, perhaps, be found for the encouragement of Orangeism and its ritual observances at a time when the support given in return was part of the Irish political system. But nothing can excuse the conduct of the authorities in not making vigorous exertions for its suppression after it had been openly abandoned by a Tory Government. When we say it was abandoned by a Tory Government, we allude to the administration of the Duke of Wellington and the viceroyalty of the Duke of Northumberland; when, as we have already said, the passing of the Emancipation Act was followed by the affectation of a new policy. But even then, neither the Government nor the magistrates showed the smallest disposition to discountenance the offensive commemorations of Orange triumph. Nay, further, long after this, and after the passing of the Processions Act, even Sir Robert Peel, as Prime Minister and head of the Government, is chargeable with having received addresses from Orange bodies, and with having expressed the acknowledgments of his sovereign to those societies, at best of doubtful legality, but whose proceedings beyond the walls of their lodges that act had declared to be ‘calculated to create and perpetuate animosities, and to have occasioned frequent and sanguinary conflicts between different classes of the people!’ It is impossible to contemplate without horror the fatal consequences that might have resulted from this open, this unexpected encouragement, upon the succeeding 12th of July. Fortunately, however, the country was spared this calamity, by the overthrow of a Ministry which had thus manifested its disposition to deviate into the old beaten track, and throw itself into the arms of a body of men so obnoxious to the people of Ireland, and whose conduct had been thus strongly censured by the Legislature. Now, instead of having Orange lodges flattered and encouraged, their proceedings have been laid bare by a committee of the House of Commons, exhibiting, to the astonishment of the country, the criminal and almost treasonable character of their designs. The result was, that the association was instantly dissolved, whilst its leaders ostensibly withdrew from any further connexion with it. But, like all mischievous and unconstitutional bodies, it had created habits most difficult to be controlled. Orangemen of the lower orders of society were not so likely to prove pliable to public opinion, or the wish of the Crown, as their more conspicuous superiors. The consequence has been, that not only are many Orange lodges of an inferior class still in existence, but on every anniversary or other public occasion, at fairs and markets, or on the deaths of members of

lodges, opportunities have been taken to form processions, accompanied by the usual insulting denominations.

The course followed by the Government upon the three last anniversaries of the 12th of July is full of interest. In 1835, a strong appeal was made to the local authorities to assist in the discouragement of processions; but not relishing the idea of interfering with their favourite triumph, they showed no desire to co-operate,—and as the executive could not then act except through them, the offences which ensued were very numerous. The Government, however, determined that the Party Processions Act should not remain a dead letter; and a vast number were prosecuted and committed at the following assizes. But of the alternative of leniency or severity, Lord Mulgrave, encouraged to hope better things from the late dissolution of the grand Orange body, decided on the former; and allowed the offenders to pass unpunished upon giving promises of future good behaviour. This generosity met with no honourable return. Upon the following 12th of July, the Orangemen returned with increased zeal to their illegal practices. Warned by the past, Lord Mulgrave now chose the other alternative. Upwards of four hundred offenders were identified and prosecuted. The law was allowed its due course; and the greater number were sentenced to various periods of imprisonment. Upon the anniversary which took place in the present year, the result was very remarkable. The Government had now the power to send stipendiary magistrates, with large bodies of constabulary, to act where the local authorities had before declined assistance; and extensive arrangements were accordingly made to enforce the law. The local magistrates, too, were again called upon to co-operate,—not in that tone of reproach which their past conduct might have justified, but of cordial invitation and encouragement. The same wise tone was also used towards the lower classes. They were instructed as to the provisions of the law, and the determination of Government to enforce it, in a proclamation breathing that spirit of firm impartiality which characterises the Government, whether in reference to the Protestants of the North, or the Catholics of the South. The result of this temperate but firm tone, combined with a judicious and effective disposition of the constabulary force (now less looked upon as sympathizing with the party-feelings of those whom they watched), was, that this occasion, once so abundant in crimes and disorders, passed off, to the astonishment of all, without any disturbance worthy of note! We find, that of 89 offences reported under the head of ‘illegal meetings’ for the *past* year, no less than 82 had occurred in

the month of July ; and of these 79 were in the province of Ulster—a fact by which they are at once identified with the Orange processions. But, on the other hand, there are only 17 reported for the month of July in the *present* year for the whole of Ireland ; and when we observe that there had been 19 in the preceding month, which is not a season of Orange disturbance, it is evident that but few even of those 17 can have been of that description. In some parts of the North the excitement caused by the elections has brought forth some Orange disturbance of more noise than effect ; but vigorous exertions have nearly restored peace. It was but the after-clap of the storm ; and as the horizon clears, we can discover nothing to prevent us from feeling, that at length the Government has mastered the Orange party.

In conclusion, we have only space for one word, as to the success which has attended the enforcement of an act introduced by the present Government, in the session of 1836, for the prevention of drinking at late hours. This act, which allows the magistrates to enter and clear all booths, when ample time has been allowed for purposes of refreshment, has been firmly and diligently enforced ;—often, as might be expected, against considerable opposition on the part of a peasantry, long accustomed to bad habits, and stimulated by publicans or others, whose pecuniary interests are injured by the new regulation. The temptation, however, to excessive drinking at fairs and on other public occasions, which had long proved an incentive to the commission of outrage, has been withdrawn to a considerable extent, through the active intervention of the stipendiary magistrates ; and, generally speaking, the people now return quietly to their homes when business is at an end. We venture to say that no Tory Government could have enforced this act !

This, however, is but one of the many minor instances by which the diligence of the executive, and the peculiar vigour derived from its popularity, might be still farther illustrated. Sufficient proof, however, has been adduced to satisfy any reasonable man as to the happy change now taking place in Ireland ;—a change, be it observed, in those disorderly habits arising from political causes, which, as we have seen, chiefly distinguish the moral character of the Irish from that of the English, and which, above all, have this disastrous effect, that they too often lead to the commission of other outrages, and impoverish the country by alarming the capitalist. Our proofs of this change, too, are drawn from sources, over which party ingenuity can throw no discredit. A political Assistant Barrister cannot here say that his business has only decreased, because the Judge of Assize draws it to

the superior court ; or a political Judge of Assize explain away the lightness of the calendar, on the ground that many prosecutions are now instituted at the sessions ; each, as it were, looking with a jealous eye at the share which falls to his neighbour's lot ! Neither can it be alleged, with a view to explain away the glaring inconsistency, that the calendar is only light in each court, because parties are unwilling to prosecute ! Ours is a net which takes in every outrage committed, whether the offender be prosecuted or not. We estimate the quantity of game by the number taken in the field, not by the number served to the table. Here then there can be no mistake. But in addition to this, the truth is, that, with the solitary exception of one judge, who mourned over the lightness of the calendar at a Maiden assizes, we have the testimony of all the judges in favour of the improvement—a testimony valuable, as offered by shrewd men, who know just as well as others what is passing around them—who see, just as well as others, the effect of their admission as giving credit to a government which they dislike, and who do not want for the disposition to explain away the calendar, were it in their power to do so by illustrations drawn from their general sources of information. And yet these are the men who, at the last two assizes, invariably congratulated the grand juries on the marked improvement in the general state of their counties ! Nor can we overlook the proof afforded by the general election—when Ireland declared, with a voice almost unanimous, its entire approval of the object attained and the means employed. The result is, indeed, of the most gratifying kind. For our own part we regard it with no common feelings of satisfaction. We rejoice over the better prospect which it opens to our long suffering neighbours and fellow subjects. Above all, we rejoice at the triumph it has afforded to those liberal principles, the benefit of which has been so long denied to mankind at large, and which, in their particular application to Ireland, will prove the best safeguard for the continuance of that connexion between the two countries which, however passion or prejudice may dispute its advantages, is not only favourable but essential to the best interests of both.

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ART. I.—*Attila, King of the Huns.* By the Honourable and Reverend WILLIAM HERBERT. 8vo. London: 1838.

IT rejoices us much, once more, to be able to usher in a New Number of our Journal with a poem which aspires to the honours and dignity of an Epic. The appearance of such a poem at the present day is, indeed, an event of some interest; particularly as being the production of an author who, in his earlier compositions, appeared so decidedly to give the preference to a more romantic and irregular form of composition. It naturally suggests some speculation, not only as to the merits and prospects of this species of poetry, but as to the state of public taste and feeling on such subjects, and the chances of success or failure to which a writer may look, who aspires to build the 'lofty rhyme' in this time-honoured and classical form.

The persuasion seems to be a very common one, that the age of epics is past. The epic, we are told, is the production of earlier and less critical periods of a nation's history: its lengthened and regular march, its formal addresses, its sustained pomp, its prescriptive episodes and machinery, are assumed to be unsuited to the taste of an age like ours, far advanced in civilisation, requiring a quick movement of events and rapid succession of feelings, and a strength of passion better adapted to the dramatic than the epic form. Though the epic, therefore, might suit the childhood of poetry, the maturer growth of national taste, and the opinions induced by the changes which society has undergone, now demand, it is said, a different vehicle of feeling, conveying more accurately

the impression of that increased variety and intensity of emotion which these revolutions have produced. Hence it is inferred that the composition of a good epic poem at the present day is extremely improbable, and its popularity with the public still more so.

If this representation be correct;—if the present age be indeed disinclined either to the production or the perusal of an epic poem, we are satisfied, at all events, that the reading public must not flatter itself with the notion that this disinclination is a proof either of its talent or its taste; or imagine that such works are suited only to a ruder state of the national mind, or to a period less illustrated by genius and originality of invention. The fact is, and it is one of somewhat ominous import, that all the great epics either of ancient or modern Europe, were the production, not of the infancy of national poetry, but of its maturity and full developement,—when the genius of the nation had been exalted and called into action by great events and spirit-stirring recollections; that their production marks the culminating point in genius and masculine taste in each nation where they appeared; and that thenceforward we witness, on the whole, but a downward progress in literature,—first towards coldness and conceit, and then, in the attempt to regain something of pristine vigour, towards turbulence and exaggeration of language and sentiment.

Homer, perhaps, is an apparent exception; but the question as to the true date of his great poems, in the shape in which they now appear, is so complicated and doubtful, that it is unsafe to draw any inferences from such a source. But Virgil wrote his *Æneid* when Augustus had made Rome but another name for the world, and when, to the recollection of her republican glories, was added all the calm and tranquil grandeur of settled dominion. It marks the period when the power of Rome was at its height, its genius most vigorous and inventive, its taste perfect: every thing afterwards is decline and decay, though disguised under a garb of rank luxuriance in Ovid, or stoical pretension in Lucan, or Asiatic pomp in Statius, or gaudy over-brilliance in Claudian. Tasso's great epic was produced in the meridian lustre of Italian literature, shortly after Ariosto had carried to its perfection the *epos* of romance, and Berni had arrayed in graceful comic masquerade the graver strains of Boiardo; and when Leo had extended his munificent patronage to art and science, till poets, philosophers, and learned men were crowded upon each other in Italy, like stars in a galaxy. When Camoens engaged in the composition of that poem which was destined to immortalize the glory of his country,—the solitary great work of which she has to boast,—Portugal had already touched the highest,

point of her greatness, and from the full meridian of her glory was hastening to her setting,—in the decay of her commerce, the fall of her liberties, and all the calamities which followed the defeat of the chivalrous Sebastian at Alcazar. But as yet a high consciousness of national pride animated her councils, nor was that generous and enthusiastic spirit extinct in individuals, which had been awakened, when, under the reign of the great Don Manuel, Alvarez and Albuquerque first launched their prows into the Atlantic, and De Gama startled the Spirit of the Cape with his thunders.

And, under what circumstances does our own great epic make its appearance? Milton stands on the outskirts of that glorious era which had listened to the majestic periods of Raleigh and of Hooker, and the almost inspired blending of wisdom with imagination in Bacon;—which had seen Spenser, in his ‘*Fairy Queen*,’ beautifully reconnecting the spirit of chivalry with that earnest and religious feeling from which Ariosto and Berni had divorced it;—that age which had witnessed the infinite variety, and bent before the magic and the mastery of Shakspeare. His own life was chiefly cast in those days of tempest and trial which develop the strongest energies both of the will and the imagination, and superadd to the attraction of an imaginative and poetical interest all the fascination of deep faith and earnestness of action. Thus educated in the close of the former period, and witnessing the dawn and the meridian of the latter,—uniting the chivalrous recollections of the Elizabethan age, with the enthusiasm of principle and intensity of will which characterise that of the Parliament, he gave birth to that great epic, in which, more perhaps than in any other single work, we recognise the imposing and majestic character of that period; when the seal of authority and high moral dignity was set upon all the productions of literature as upon all the institutions of polity, and Britain, foremost in arts and arms, cast the shadow of her greatness over land and sea.

In every case then, we repeat, the appearance of a great epic has been coincident with the period of the highest development of genius, and with the most masculine state of taste in the nation by which it has been produced. There are no epics produced in the evil days of a nation's history. Their very existence presupposes a crowd of ennobling remembrances in the national mind;—a past to which it can revert with pride—a present to which it can turn without dishonour. It presupposes, in the individual mind, a grasp and comprehension of view—an indifference to petty beauties—a power of rising above the passing interests and changing fashion of the time, and a confidence in after ages, which are all connected with the higher manifestations

of genius, and the simplest and most dignified condition of taste. Were it true, then, that the present age was incapable of either producing a great epic poem, or of appreciating such a boon at the hands of a great poet, this would, in our view, be only equivalent to saying that we had lost our relish for the simply great, and our power of apprehending a work,—not in parts, but as a whole; and, consequently, that we had fallen from the purity of our first intellectual estate; and—however unconscious of our backward movement—had retrograded, instead of advancing, in the career both of taste and imagination.

But, with all deference to the common notion of an anti-epic tendency at the present moment, we really entertain a better idea of the direction of public taste in poetry, than to suppose, that this insensibility to the noblest form in which poetry has ever yet displayed itself, can exist. We say at the present moment, because we should have stated our opinions on the point much more doubtfully some twenty years ago;—if, indeed, we had not felt ourselves compelled to adopt the truth of the objection to which we have adverted, and to regard the epic as an obsolete form of poetry, which never more could be made to harmonize with modern tastes. At that time, the current of opinion was so strong in favour of a return to the ruder and wilder strains of our elder minstrelsy; there was so clamorous and insatiable an appetite for scenes of excitement,—such intolerance of every thing measured and tranquil, either in plot, sentiment, or expression,—that it did appear as if any poetry of a calmer and more classic nature was permanently superseded. We do not blame that revulsion of poetical taste towards the fountain-head. It was a natural one, and we believe it has, in some respects, been a beneficial one. Poetry, deprived of all spirit and vitality, had begun 'to cream and mantle like a standing-pool.' It was something gained, therefore, to break down the barrier—to let the imprisoned waters loose, and give them life and motion,—even though the torrent thus produced was, as might be expected, turbid and muddy enough. But, if still waters become monotonous, men tire also in time of torrents and cataracts—which leave behind them nothing that freshens, nothing that fertilizes—and long to see the useless current spread forth into an ampler and calmer channel; and gliding down to the ocean with pleasant interchange of motion and rest;—here reflecting earth and sky in its shadows, and there fretting over its pebbled bed, or rippled by 'the breath of heaven, fresh blowing.'

It has fared thus with our poetry of passion and 'the movement.' We have already extracted from it all, or most of the good which it was calculated to yield; and now the bitterness of

the lees which remain begins to be apparent. We are surprised, and half ashamed to confess what crude and fiery draughts we have occasionally drained without dissatisfaction during the period of excitement; and a visible inclination, we think, begins to be traced towards a return to a healthier spring of inspiration—'a draught that after no repenting draws.' Poetry seems prepared to take for her motto the inscription on Italian tombs, *implora pace*. After so much doing and suffering, she asks for rest. And though the public can scarcely be said to have yet acknowledged, by any overt acts, their renewed allegiance to those better models which they deserted, they at all events manifest the most profound indifference for those themes, and that style of composition, which at no distant period formed the object of popular admiration. The traces of some such convictions appear very plainly in Lord Byron's excessive admiration for Pope, and his severe denunciations of the whole spirit of modern poetry—both his own, and that of his contemporaries—whom he terms the poets of 'the lower empire,' and accuses of being led astray by 'a wrong, revolutionary poetical system.' This over-admiration of Pope is the natural result of the tendency to an opposite extreme, produced by Lord Byron's sense of the hollowness of the system on which so much of his own poetry was composed; and we are no more disposed implicitly to approve of his new creed, than to give our unqualified admiration to the style and taste in which his own works are written. But the silence of all our modern poets by whom this passionate and irregular mode of composition was countenanced and adorned, sufficiently shows that they regard it as in a manner exhausted. No man of genius, united with discernment, who had to select a subject for poetry, would be likely, we think, at the present day, to choose for his theme 'those songs to savage virtue dear,'—with their wild passions, and corresponding eccentricity of character and movement—round which Sir Walter Scott shed so brilliant a lustre; and which, assisted by the fascinations of novelty, and his unequalled power of picturesque delineation, for a time led captive the public sympathy; nor those pictures of moody, distempered, and selfish passion which, in the powerful verse of Byron, seemed to lose their essentially coarse and melodramatic character, and became really invested, for a time, with a delusive dignity and unreal grandeur. Nor, on the other hand, does the high and palmy state of the stage at this moment, nor the success of most modern dramatic attempts, hold out greater inducement to the poet to devote himself to that species of composition. If he soften away his scenes, or modify his characters and expressions to suit the fastidiousness of modern taste, he is accused; and perhaps justly, of

coldness and feebleness: if he venture on the strong language, or startling conceptions of the older masters of the drama, he runs the risk of being accused of coarseness and indelicacy. Abandoning the one class of compositions as exhausted, and repelled by the dangers attendant on the other, the poet of modern times who aspires after any thing great, is in a manner impelled towards that species of composition—once recognised as the highest, and which now, by its very antiquity, has again acquired an air of novelty;—and thus, on the whole, we have a strong persuasion that, with the increasing tendency towards the intellectual in poetry, in preference to the merely passionate, it would be, in the department of the epic, that a great poet would, at this moment, find the best opening; and that when such a poet shall be found to devote himself to the task, and worthily to fulfil the high conditions which it imposes, he may rely on finding ‘fit audience,’ and that ‘not few.’

We have said, then, that we do not think so ill of the present times as to suppose, that if a great poetical work in an epic form were now produced, it would fail in attaining popularity from any insensibility on the part of the public to that species of composition, or incapacity to appreciate its merits. But if we think that the power to produce and the capacity to admire such a work does exist, is there really any reason to think its appearance unlikely, or its popularity, in the event of such appearance, questionable?

Every difficulty of this kind which we have heard stated seems to us to resolve into an objection founded, not on the essentials of the epic, but on its accidentals. It is not that the main features of the epic may not be successfully reproduced, but that there is little probability of its revival in the same garb and with the same ornaments, poetical devices, and mechanical arrangements adopted by the previous authorities in epic poetry. Such speculations all overlook the fact, that what are called the *rules* of epic poetry are neither more nor less than mere statements of the *practice* adopted by the great masters in this department, in reference to the particular subjects they have selected; and that, as on the one hand, the observance of all of them will never make an epic poem, so, in the hands of a man of real genius, the absence or violation of all of them will never deprive it of that character. Reduced to its essentials, the epic must be of as permanent a character as poetry or human nature itself. While we possess ‘organs, dimensions, senses, affections, passions,’ and sympathize in others with the movements of those natural affections of which we are conscious in ourselves, so long must ‘the recital of some great event in a poetical form’—the

contrivance of a plot important in itself, and instructive in the reflections which it suggests—‘filled with suitable incidents’—‘enlivened with a variety of characters and descriptions’—maintaining throughout ‘propriety of sentiment and elevation of style’—(the description of an epic given by Blair)—will continue to have a permanent interest for every cultivated mind; and to be justly regarded as presupposing for its construction a greater variety of excellence than is required for any other work of human genius.

True it is, indeed, that an epic poem of the present time will probably be in many respects very unlike the received models from which our canons of criticism on such subjects have been generally drawn. It will bear the stamp of the age in which it appears. Its modes of producing its effects will be different. It will address feelings formerly but partially developed: it may touch lightly on springs of emotion formerly of paramount influence and importance. Much that, by prescription at least, if by no better title, had come to be considered as part and parcel of the epic, it will throw aside as unsuited to the change of feelings which has taken place on vital questions of opinion as to society and morals; while it may substitute in their room much ‘that would have made Quintilian stare and gasp,’ and would have struck the heart of Bossu or Du Bos with ‘a sense of huge affliction and dismay.’ It will carry, to a great extent, the modes of thoughts and opinions of the present age back into that where its scenes are placed; it will unconsciously animate the actors of the story with feelings and impulses, to which they were in a great degree strangers; and thus certainly give to the poem a character which, at first sight, may appear essentially different from that of preceding epics.

But is not the difference, after all, apparent only, not real? Is not the principle of composition, after all, the same? Have not all preceding poets, in truth, imparted to their compositions their own feelings and the character of their age? Is it even possible to do otherwise?—to step out of the influences by which we are surrounded, and to paint men and actions with a colouring uninfluenced by the light and shadow which our own habits and prejudices throw around them? At all events, no one, so far as we know, has ever made the attempt. Virgil gives to his Asiatic Greeks the manners and the religious opinions of the Romans of the days of the empire; and the warm truth of the episode of Dido is evidently not a little increased by the recollection of the recent tragedy of Cleopatra. Is it not plain to the most superficial observer, that Tasso has carried back into the days of Godfrey of Bouillon that refinement of manners and sen-

sibility of feeling which had been the growth of five intervening centuries; that the melancholy and love-lorn Tancred, in whom we trace a shadow of the enthusiastic poet himself, is a creation of the fancy, wholly inconceivable as an actual existence in the rude times in which he is placed; and that the same partial violation of actual truth by the introduction of modern feelings characterises the whole of the beautiful episode of Erminia?

Does not Milton, again, carry into the councils of Pandemonium, and the occupations of his angels and devils, the discussion of those very questions of 'fixed fate, free-will, foreknowledge,' 'absolute,' and that 'study of revenge, immortal hate, and ~~con-~~ rage never to submit or yield,' which animated or agitated his own mind and that of half the members of the Long Parliament? Is not his very scheme of Paradise itself but an imperfection of those visions of Church and State—of the rights of men uncircumscribed by Government—of their happiness and innocence until corrupted by the influence of Society—by which his own imagination was haunted, and which he has thus carried beyond the visible diurnal sphere into that shadowy world to which it had given birth? Such, so far as we can perceive, has been the practice, if not the theory, of every great poet. He must view the past through the medium of the present, if he would maintain his hold on his own times, or secure an influence over the future. He must lay a firm basis in the feelings and habits of thought which are common to his own age, before he can bespeak attention to his pictures of a former. Nor in all this, when performed with due discretion, need there be any violation of the essential truth of character. 'Poetry,' as Bacon says in a sentence replete with wisdom, 'is the accommodation of the shows of things to the desires of the mind:' it implies the exercise of a plastic power by which they lose, to some extent, their real shapes, and are moulded into a part of ourselves, instead of standing aloof as separate existences. Such and such a being may not, 'in his habit as he lived,' have appeared exactly in the form under which he is poetically represented; he may have spoke a ruder language; the feelings we ascribe to him may have been but dimly felt by him, if at all; but, assuming the main features of his mind to have been such as described, and the course of events to which he is subjected to remain the same, thus he would have thought and felt and spoken in a later period, had an inspired poet lent him imagery and words; and thus the result is something, which, though it may not have existed in any one point of time or space, has yet a permanent reality for all countries and all ages, and is at once a fiction and an inspired poetical truth.

We anticipate, then, no great difference in the main outlines which a modern epic is likely to assume. But we shall probably shorten the dialogue, and abridge the pomp and formality of the speeches. We shall, very likely, be somewhat disinclined to the introduction of formal episodes, and impatient of their length, if they appear to interrupt the current of the main narrative, or to be introduced (as in modern epics, at least, has been too much the case) as mere vehicles of elaborate description or ornament. We anticipate, also, more minute descriptions of feelings and states of mind; a more obvious attempt to connect the descriptions of external nature,—in which all epic poets, from Homer downwards, have luxuriated,—with the mental emotions of the characters, and to show how the one operates upon and gives its colour to the other;—an omission entirely of catalogues of ships, and muster-rolls of forces, and long legendary tales, and ‘Chronicles of British Kings, from Brut to Uther’s rayne;’—and lastly, a great restriction of the province of machinery, if not its entire abandonment.

We are aware that the idea of dispensing with machinery in an epic poem may appear a stumbling-block to some. And doubtless such a notion would have appeared the darkest heresy to the venerable critics by whom the canons of the epic have been laid down. ‘Without black velvet breeches, what is man?’ says the poet. ‘Without machinery,’ say the French critics, ‘how can you conceive of an epic poem?’ Mark ‘the absolute shall’ of old Father Bossu on the subject.—‘On peut dire *en un mot* *qu’il faut* user de machines partout, puisque Homère et Virgile *n’ont rien fait sans cela.*’ But, with deference, even Homer and Virgil have done a great deal without machines. Nay, had Jupiter never lent a hand to assist the Greeks, nor Venus exercised her wiles, and Mars his weapons in the Trojan cause, the anger of Achilles and its consequences, with the pictures of human feelings which are set before us, would, even in the Greeks, we think, and certainly in ourselves, have exerted much the same strong sense of interest and sympathy. For would there not remain the powerful contrast of his generous and indomitable spirit, loving and hating in extremes, with the sustained grandeur and worldly prudence of Agamemnon,—and the mournful interest with which we regard his fate, knowing that he comes to that fatal campaign foredoomed to die? What are the incidents that in Homer’s great poems are perused and reperused with the most interest; and which even now, at the distance of two thousand years, waken an answering chord in all hearts? Not the councils upon Olympus, nor the quarrels and intrigues of contending deities; nor the wiles of Juno and Venus; nor the prodigies produced by the

mingling of immortals in the ranks of men,—powerful and striking as are many of these descriptions of superhuman agency;—but Hector, smiling and setting down his crested helmet that he may not frighten his boy; Helen, fascinating even amidst her weakness, inspiring even Priam and the elders of Troy with something of the admiring feelings of youth as she draws near to them, graceful and modest, upon the walls; Priam kneeling at the feet of Achilles, who had slain his son, and the relenting of that proud heart at the sight of him whom he had bereaved; Helen's lamentation over the corpse of 'the brave and gentle-hearted,' who, when his mother or his brothers had upbraided her, had never spoken to her a word of harshness or rebuke; the graphic and characteristic quarrels of the rival leaders of the Grecian host; the adventurous night-expedition of Diomed and Ulysses; the recognition of Ulysses by the faithful Argus, who lives only long enough to know his master and to die;—these, and many passages such as these, with which supernatural agency has nothing to do, are in reality those which have rendered the works of Homer a *rerum in ævo*—a work for all time, a possession for eternity.

With Virgil, again, does not every one feel that it is not the mere machinery of deities, and sibyls, and bleeding trees, nor even the apparition of Hector (though with that species of machinery a modern can better sympathize), that pleases us in the *Æneid*, but the human terrors, and strangely-moving accidents of that grand night-picture of the sack of Troy,—and the warm human truth of the hapless passion of Dido? And, in the *Gerusalemme*, could we not, notwithstanding the splendid and sonorous majesty of the versification, spare the descriptions of the counsels of evil spirits, and the machinations of pestilent enchanters (we shall not say enchantresses, for we should be loath to surrender Armida and her Bower of Bliss) without any injury to the effect of the poem;—so long as we could retain the well-drawn and contrasted characters of the Pagan and Christian leaders; the chivalrous enthusiasm of the siege and defence; the deep tenderness which is breathed over the flight of Erminia, turning in the still moonlight to gaze on those Latian tents where Tancred lies; the 'pastoral melancholy' of her woodland residence with the shepherds; the touching death of Clorinda losing her life by the hand of him who would have sacrificed his own to save her; and the many other scenes of mere human feeling which must occur to every one who is familiar with this beautiful poem? In Milton, no doubt, the machinery is of more importance, and less separable from the poem; and for this plain reason, that the supernatural beings are truly the heroes of the poem, and the

human comparatively secondary and episodical characters ;—yet what would the poem be but for the scenes in Eden, and the human pair which it shelters, ‘imparadised in one another’s arms?’ It is in reference to them and their fortunes and fate that all the supernatural machinery around them acquires interest and significance ;—that we share in the interest produced by the debate of the fallen cherubim, and watch with an ominous presentiment, the onward flight of Satan ‘coasting the wall of heaven on this side ‘night,’ upon that evil mission, of which the object was the fall of man. Remove the whole apparatus of the invisible world from the poem, so far as its actual interference is concerned, and the work, though shorn of its beams, would still be a great and interesting one; but blot out the human actors from the scene, and we leave behind but a vague phantasmagoria, to which our sympathies cannot attach themselves.

In truth, then, we are hardened infidels as to the whole doctrine of the necessity of such supernatural ornaments in an epic poem ; and are very much inclined to think that at the present day no other machinery is required but the machinery of thought and intelligence. And yet, if by machinery be merely understood the supposed control exercised over human thoughts and actions by the influence of immaterial and invisible beings, or intimations derived in some way or other from another world, we see no reason to think that machinery in some shape may not always continue to be available as a source of interest and embellishment to the poet. True it is,

‘The enchanting race of fairies are no more,
The deities of old have wandered out ;’

and for the rites of witchcraft, and the power of spells, there is scarcely even that qualified belief (for we hold even a doubtful faith to be sufficient), which would render them available as poetical instruments in exciting the imagination. But still there remains a field within which the supernatural may yet be employed with effect in poetry. Admitting, as every one who recognises the distinction of body and spirit must do, the existence of a world distinct from that outward and visible one in which we live and labour,—encompassed as we are, on this side and on that, by a canopy of eternity, and reminded, where we have time to think at all, of higher powers by which human counsels are controlled,—it will, in all probability, continue natural to the human mind, so long as these convictions and impressions endure, to believe, while in states of excitement, that this agency does occasionally make itself visibly or sensibly felt,—‘striking in like a finger from the clouds into the ‘calculated machinery of human affairs,’ and accelerating or retarding the stroke of fate. What form this sensible represen-

tation of supernatural power may assume, will depend on the habits of the individual and the intelligence of the time. Even at this moment we should be disposed to say, that spectral agency, however little it may be a matter of belief with men of education, still retains sufficient influence over the popular mind to be used with success by a poet of genius ;—keeping in view always that there is no species of machinery, which, if overstrained or divested of that awful obscurity in which it ought to be involved, becomes more vulgar or even ludicrous. In the same way we should say, that the impressions produced by dreams, and the faith in presentiments, rejected as they are by calm reason, do, in certain states of our strangely constituted frame, assume a reality, and exercise an influence even over men of education, and still more over the popular mind, which render them not unfit or unimportant engines of poetical effect. And when it is further kept in view, that by a prescriptive rule,—which is really founded on something better than prescription, namely, experience and good sense,—no epic poem can well be written on any events of *recent* occurrence, we should say that, to those who still think machinery of this kind an indispensable accompaniment, there remains at present a field quite wide enough for their purpose ; and we should be disposed to add, that so connate and connected with our religious belief appears to be the theoretical admission of the *possibility* of such visitations, that in some shape or other, the principle of supernatural agency will always remain available to the poet, be his subject or the period which he chooses, what it may.

But we feel we are dealing too long in generals. The result of the foregoing somewhat desultory observations is simply this,—That we do not despair of seeing a good epic produced and admired in the present age ; that though such a work will probably assume a different character in details, the main outline remains of permanent interest, and will continue, in the hands of a man of genius, to produce the highest and most satisfying effect ; that the particular ornaments or peculiarities which are not likely to be reproduced, are accessories of no essential value or importance, and that even as to the most important of these—the embellishment derived from the supernatural—there is no reason to think that the poet will be deprived of that source of interest, however much its limits may, in a period of more general instruction, be narrowed.

But the more important question, it may be said, is, How far does the poem before us justify the hopes here expressed ? Is 'Attila' an epic poem ; or, if so, to what rank is it entitled to aspire ? Is it a work of genius, or a mere piece of poetical mosaic, made up of the materials of other epics, and cunningly

contrived and put together according to the most approved rules and models of poetical architecture?

This is not a question to be answered in a sentence with regard to a work like the present—the result evidently of profound study and long consideration—and which we cannot but feel unites considerable faults and defects with great and sterling beauties. It is due to its accomplished author, and it is even necessary to the understanding of the few general observations we may be inclined to offer as to the merits and demerits of the work, to allow Mr Herbert to speak for himself, in the first instance, by exhibiting pretty liberal extracts from his poem, connected only by such a commentary as is necessary to render intelligible their mutual dependency and relation to the whole.

‘The subject which I have chosen,’ says he, ‘is the firm establishment of Christianity, by the discomfiture of the mighty attempt of Attila to found a new antichristian dynasty upon the wreck of the temporal power of Rome at the end of the term of 1200 years, to which its duration had been limited by the forebodings of the Heathens.’ And in another portion of his preface, he expresses a hope ‘that the general historical truth of the poem may cause it to be looked upon in a light a little different from mere works of imagination.’ Now this, we think, is a point of view in which no poem is entitled to be considered; the presence of historical truth could weigh nothing against the absence of those qualities we are entitled to expect in a work of imagination; fortunately, however, the work does not require to be defended upon any such questionable ground.

The poem opens with a night picture of the field of Chalons, covered with corpses of the slain, after that dreadful battle, in which Attila had, for the first time, sustained a repulse from Aetius, though his rival, Theodoric the king of the west, had fallen, and the Christian troops, scarcely aware on which side the victory lay, had retreated. Visions and omens of ghastly import are witnessed on that field of carnage by the army of Attila, as, intrenched behind their wains and scythe-armed cars, they await the dawn of day.

‘A sound articulate,

Louder than human (like that fatal voice

Which once in Athens broke the awful pause

Between heaven's angry bolts, and made each hair

Stand bristling on the heads of those who heard,

Calling to Hades the incestuous king *

Branded by Fate) with strange heart-withering dread

Appalled each host ; and some averr'd a face
 Look'd through the gloomy curtain of the dusk,
 Upon that bloody field, from heaven's high cope,
 So full of terror, that the stoutest hearts
 Shrank with dismay, and the tumultuous din
 With all war's thousands became still as death.
 Thus the lorn habitants of that famed town,
 Fabled in Araby, which heard her doom
 Spoken at midnight, when her sons were changed
 All in the twinkling of an eye to stone.'

The morning dawns through mists, revealing the extent of the slaughter, and Attila moves over the plain, examining, with his chiefs, the mass of arms, chariots, and corpses by which it is deeply strewn. This is a powerful passage, though too long drawn out. We quote the opening lines:—

' The ample field,
 Which, but short hours before, was redolent
 With herbs and healthful odours, now upturn
 By thousand hoofs, batter'd beneath the strength
 Of wheels, and horse, and man, a barren mass
 Of dark confusion seem'd ; a trampled waste,
 Without the blush of verdure, but with gore
 Distain'd, and steep'd in the cold dews of death.
 Thick strewn and countless, as those winged tribes,
 Which clamouring blacken all the grassy mead
 In sickly autumn, when the wither'd leaves
 Drift on the moaning gale, lay swords and pikes,
 Bucklers, and broken cuirasses, and casques,
 Shower'd by the pelting battle when it rush'd
 With such hoarse noise as doth the foaming surge
 Upon some rocky ledge, where Æolus
 Bids foul winds blow.'

While engaged in the examination of the field, Attila is struck by the apparition of that mysterious Deer which had first led the Huns into Europe. Regarding this appearance as an intimation from those secret and evil powers of which he believes himself the instrument, he dashes off in pursuit of the animal. The Deer vanishes in a wild and romantic mountain solitude ; and Attila finds himself surrounded by the Alirunæ, the wizard progenitresses of his race. He calls on the great Spirit of Evil, who is evoked by their spells, to unveil to him the face of nature, and to show him the things that shall be hereafter. A splendid vision follows, embodying the outlines of the future contest of Paganism and Christianity, in which the Tempter promises Attila a career of success, and his long-wished-for triumph over Rome. Darkness descends upon this scene, which occupies

the second Book ; and Attila returns to the camp ' where thou-
' sands wait his will to live or die,' to prepare for the great sacri-
fice of his Christian captives,—a solemnity by which he hopes to
wipe off from his army the impression of their partial defeat.
The following lines exhibit a graphic portrait of the savage
leader :—

' Terrific was his semblance, in no mould
Of beautiful proportion cast ; his limbs
Nothing exalted, but with sinews braced
Of Chalybean temper, agile, lithe,
And swifter than the roe ; his ample chest
Was overbrow'd by a gigantic head,
With eyes keen, deeply sunk, and small, that gleam'd
Strangely in wrath, as though some spirit unclean
Within that corporal tenement install'd,
Look'd from its windows, but with tempered fire
Beam'd mildly on the unresisting. Thin
His beard and hoary ; his flat nostrils crown'd
A cicatrized swart visage ; but withal
That questionable shape such glory wore,
That mortals quailed beneath him.

A description follows of some of the leaders of his camp ; or
his favourite queen, Eskam, at once his daughter and bride ; and
a long, and to us somewhat tedious enumeration of the prepa-
rations for the sacrificial rite—relieved, however, by a very
beautiful episode, describing the death of a Christian pair,
Ostorius and Lucelia.

After the completion of the bloody rites, the army retire to
their camp, prepared to advance their banners on the morning
against the Christian host. On one heart, however, the noble
constancy of the Christian martyrs has produced a deep impres-
sion ; that of Mycoltha, daughter of the King of Bactria, on
whom the Hunnish King has long looked with eyes of impure
passion.

' Still to her fancy's ear
The hymn of Christians, and angelic sounds
Rose on the night ; and, with a smile serene,
Lucilia, in immortal beauty robed,
Seem'd to invite her unto realms of hope,
Unknown, unthought before. Whether the charm
Of suffering virtue o'er her soul had thrown
The bland illusion, or her angel's voice
Whisper'd those strains seraphic, to allure
The willing soul from darkness to its God ;
Then first the day-spring of religion beam'd

Upon her tremulous thoughts : all else around
Lay steep'd in utter gloom and heedless sleep.

Mean-while Satan prepares to aid by guile the arms of Attila. He fixes on Honoria, the sister of the Emperor Valentinian, as a fit instrument for his purpose ; a woman equally ambitious and devoted to pleasure,—who, banished from her brother's court on account of her illicit amours with the chamberlain, Eugenius, is residing in a sort of religious seclusion with Pulcheria, the strict and austere sister of Theodosius. The fiend, assuming the shape of the holy hermit Cyprian, springs from the summit of *Ætna*, from which, in the opening of the fourth book, he takes a view of the state of the subject world, forward upon his mission of temptation.

He finds her seated in a secret oratory, with her eyes gazing wistfully out upon the blue waters of the Bosphorus and the hills of the east. Entering softly under his holy garb, he opens his designs by insidious praises of her beauty, and expressions of pity for her seclusion ; and at last proceeds to announce that the hour had arrived when it had been revealed to him that a mightier than Christ was to arise and to hold dominion upon earth.

“ The hour is big
With portents of eventful time. Arise,
First of thy sex, upon whose brow must shine
The diadem of glory ! Thou art called
To be the highest, as thou art most fair.”
“ The tempter ceased ; and full the snow-white orbs
Of that proud damsel's bosom throb'd and heaved
With passions manifold ; impatient fires,
That, smouldering in retirement, now burst forth ;
Vain-glory, flattered by insidious praise ;
Indomitable thirst of pomp and power.
“ Speak on, thy daughter heareth,” with low voice
Tremulous she murmured. Sure of purpose he
His guile pursued. “ The age of promise dawns
Upon the nations : from the cloud-capt brow
Of Cretan Ida have the gathering Jews
Heard voices strange and holy, such as once
Thunder'd from Sinai, when the law was first
To man revealed by Moses. He, foretold
To come hereafter in the mighty spirit
Of that famed legislator, shakes the fanes
Of the great harlot, Septimontane Rome.
Honoria, thou art called from holy walls
To be that great one's bride, and sit enshrined
In godlike pomp on the Tarpeian. Send
Fast pledges of thy love to him who wields
The flail, wherewith the nations must be purged,

Imperial Attila ; and bid him claim
Half of Rome's having for thy dower. That done,
Wait silent the almighty march of time."

Thus said, his form waxed glorious ; youth divine
Came like a sunbeam o'er his brow, from which
Dark hyacinthine tresses waving shook
Ambrosial incense, odours breathing love.
As whilom, from the bath of Gadara,
The wizard in Decapolis called up
The blooming Anteros, and sudden he
Rose dripping hot, and shook his raven locks
Luxuriant, and by Eros golden-haired
Equal in beauty stood. So looked the fiend,
While the new lustre, which informed his eyes,
Spoke things unutterable.'

He then disappears, imprinting a glowing kiss on the lips of Honoria, and leaves her to dream over the projects of pleasure and ambition which his speech has suggested to her mind. His next attempt at seduction, however, is less successful, as might be anticipated ; for it is directed against the sacred pontiff himself, as he sits, care-worn and anxious, viewing the marble domes of the great City, which lies 'steeped in silence beneath.' Him he assails in a speech of plausible sophistries, partly appealing to his fears, by arraying in dark colours the ruin which threatens Rome from the approach of the Huns, and partly tempting him, by the prospect of increased dominion, extended life, 'unchanging youth and vigour to enjoy'—'while sacerdotal glories over all shall throw the robe of sanctity.' But the pure-minded and firm-hearted Leo spurns the temptation and the tempter, in a strain of indignant eloquence ; and the baffled fiend retreats, shorn of his glory, leprous and defiled. Ere he vanishes, however, he, with bitter sarcasms, prophesies the future superstitions and corruptions of the church and churchmen ; the canonization of Pagan divinities as Christian saints ; the adoration of the cross, and the institution of religious orders,—'forbidding wedlock, but 'in private hours wedded to all incontinence.' He is more successful in his attempt on 'the dark conclave of Arian Bishops,' who are ready to league with Attila and heathendom, in order to exalt 'the name of their heresiarch.' The book concludes with a severe denunciation of schismatics, which might, we think, without injury to the poem, have been omitted ; though we must give the reverend author credit when he says in his preface, that he intends 'nothing polemic towards any person of 'sect of the present day.'

The fifth book opens with a banquet in Attila's Patmonian capital Sicambria, and the delivery to the Hunnish monarch of Honoria's message, who tenders her hand and 'her birthright, 'half Romé's empire.' Attila hesitates not to accept the offer. With the next morning's dawn he despatches 'his challenge for 'the beauteous hand of the sequestered damsel,' with the full purpose of invading Italy with the earliest blush of spring. Mean-time, however, in Byzantium, Honoria's guilty project has reached the ears of Pulcheria. An interview takes place between them, in which Pulcheria bitterly reproaches her both for her first guilty love, and this last unblest alliance which she contemplates with the enemy of God and man,—'terrific, both in mind 'and mien deformed, hell's dread vicegerent.' This is Honoria's eloquent and ingenious pleading in defence:—

“ If it be evil, nor unmoved, nor cold,
 To gaze on God's creation; those green hills,
 Where the mild breeze of freedom ever blows,
 To me denied; and that majestic sea
 Sparkling beneath, which one while, chafed with winds,
 Swells as it would o'ertop them; one while, spread
 Like a pure mirror of serenest blue,
 Gives back their aspect in smooth peacefulness,
 Image of varied life, which heaven ordain'd
 To be the lot of mortals; if it be ill
 To deem His gifts of beautiful or sweet
 Created for the use; Honoria's heart
 Hath err'd, responsive to the voice that speaks
 From all his works. Did He, who formed the eye,
 Forbid it to look forth on the fair shapes
 Which He hath fashioned to delight the soul
 Through that bright inlet? He, who made the heart,
 Deny its pulse to throb? He, who has breathed
 The fresh prolific spring, of power to wake
 All nature, with a seraph's minstrelsy,
 From the dull couch of winter! He, who bade
 The lay-rock carol his o'erflowing bliss
 Up to the gates of heaven! give youthful bloom,
 Not unadorn'd with such brief attributes
 As charm the sense, to be immured unseen,
 Joyless and unenjoy'd, in living death?
 A witness breathes in every genial wind!
 The day, the morn, the dewy fall of night,
 Has each its several voice, that utters speech
 Gone forth unto the uttermost parts of earth
 To do His bounteous bidding! to declare,
 That what he freely showers upon his works
 Should, to His glory, be as freely used!

Not grandeur, though the blood of *Cæsar* beat
 In these full veins, not frail desires have turned
 My heart to heathendom; but tedious hours,
 Nocturnal orisons, and vigils cold,
 To which the worst varieties of life
 Were as a devious garden set with thorns,
 But breathing joy.'

Pulcheria, however, is unmoved by this appeal; she intimates that *Honorio's* fate is determined; and that the barque is already awaiting which is to bear her back to the court of her brother, there to expiate in a dungeon the sinful designs on which she has been brooding, and to await, either with fear or hope, her deliverance at the hand of death. She is hurried on board, and the vessel soon is under way:

'Pensive she view'd the deep, whose clear blue waves
 Heaved beauteous, softly as from *Chalcedon* came
 The balmy breeze; adown *Propontus* smooth,
 By *Sestos* and *Abydos*, glided slow
 The lightsome barque with living canvass spread;
 Seen from *Caphareus* far beneath the sun,
 Like a bright seamew, on the azure way
 Threading the *Cyclades*.'

To sail through these seas unmoved, or without kindling into the enthusiasm awakened by classical recollections, is to a scholar impossible; and Mr Herbert yields, nothing loath, to the temptation.

'Who, O who hath view'd,
 Untouch'd with rapture, those sun-lighted seas,
 Fancy's primeval cradle! where each rock,
 Each hoary headland breasting back their foam,
 Each mountain's glorious summit, with the voice
 Of other times, speaks music to the heart;
 Waking once more the notes, attuned of old
 At *Elis* to the touch of golden lyres,
 And oft at rocky *Pytho*, where the bard
 Of *Greece* upon the laurel'd victor breathed
 Immortal inspirations! Who hath look'd
 On those bright islands in the *Ægean* deep,
 Famed *Athens*, or thy huge *Cyclopean* gate,
Mycenæ! nor from each time-honour'd shore
 Felt breezes redolent of glory blow!'

The voyage is over: *Honorio*, once more in *Italy*, is consigned to a dungeon in *Ravenna*; allowed only the choice between death by poison and being united to a wretched object de-

prived of sight; the usual means then resorted to to render the unfortunate victim incapable of reigning. She hesitates for a time between the coffin, which stands yawning to receive her, on the lid of which her name stands inscribed, and the scarcely less horrible alternative of a union with the being—

. 'time-blanch'd,
With sunken orbs, that told the visual ray
Extinguished, nigh the beauteous the victim stood,
And with decrepid hand a bridal ring
Held tremulous.'

After several attempts to drain the fatal cup, unequal to confront 'the dim and unforeseen futurity,' she stretches out her hand to the detested bridegroom, and receives the nuptial blessing; then, in an ecstasy of grief and despair, endeavours to seize the fatal draught she had declined, and casts herself *baffled* 'into 'the loathsome grave, imploring death.'

The commencement and the end of a book or canto have always been prescriptively conceded to the poet as an appanage of which he may dispose at his pleasure; and, accordingly, Ariosto, and, in imitation of his Italian masters, Spenser, invariably makes use of these as a vehicle of general reflection, and a sort of pause or resting-place in the progress of the main action. Mr Herbert avails himself of the same privilege. The funeral character of the scene which he has been describing suggests to him the mystery of death itself; and, however much we might feel disposed to abridge the diatribe against heretics, with which the immediately preceding book concludes, we certainly feel no wish that the fine apostrophe with which this one terminates should be curtailed. The beauty and pathos of the concluding lines, we are sure, all will admire and sympathize with.

'How oft, at midnight, have I fix'd my gaze
Upon the blue unclouded firmament,
With thousand spheres illumined; each perchance
The powerful centre of revolving worlds!
Until, by strange excitement stirr'd, the mind
Hath long'd for dissolution, so it might bring
Knowledge, for which the spirit is athirst,
Open the darkling stores of hidden time,
And show the marvel of eternal things,
Which, in the bosom of immensity,
Wheel round the God of nature. Vain desire!

. Enough
To work in trembling my salvation here,

Waiting thy summons, stern mysterious Power,
 Who to thy silent realm hast call'd away
 All those, whom nature twined around my heart
 In my fond infancy, and left me here
 Denuded of their love !

Where are ye gone,
 And shall we wake from the long sleep of death,
 To know each other, conscious of the ties
 That link'd our souls together, and draw down
 The secret dew-drop on my cheek, whene'er
 I turn unto the past ? or will the change
 That comes to all, renew the alter'd spirit
 To other thoughts, making the strife or love
 Of short mortality a shadow past,
 Equal illusion ? Father, whose strong mind
 Was my support, whose kindness as the spring
 Which never tarries ! Mother, of all forms
 That smiled upon my budding thoughts, most dear !
 Brothers ! and thou, mine only sister ! gone
 To the still grave, making the memory
 Of all my earliest time, a thing wiped out,
 Save from the glowing spot, which lives as fresh
 In my heart's core, as when we last in joy
 Were gather'd round the blithe paternal board !
 Where are ye ? must your kindred spirits sleep
 For many a thousand years, till by the trump
 Roused to new being ? Will old affections then
 Burn inwardly, or all our loves gone by
 Seem but a speck upon the roll of Time,
 Unworthy our regard ? This is too hard
 For mortals to unravel, nor has He
 Vouchsafed a clue to man, who bade us trust
 To him our weakness, and we shall wake up
 After His likeness, and be satisfied.'

From the mournful solemnity of this passage, how sweet is the transition to the opening lines of the Sixth Book, describing the approach of that spring which was to let loose the hordes of Attila from Pannonia upon the devoted empire of Rome !

' Sweet bird, that like an unseen spirit sing'st,
 When the rude winds are hush'd, the beaming glades
 Enrobed with tenderest verdure, and soft airs
 Breathe fragrance, stolen from the violet rathe !
 Sweet angel of the year, that, ever hid
 In loneliest umbrage, pour'st thy thrilling strain
 By kindred warblings answer'd, till around
 With inborn melody the covert burns

In all its deep recesses ! is thy song
 The voice of the young spring, that wakes to life
 This animated world of bright and fair !
 Earth has no music like thy witching stores
 Of liquid modulation.'

In stern contrast, however, with the sweet and soothing delightful associations of spring, are the sights and sounds witnessed in Sicambria, which echoes with the clang of arms, and the tramp of steeds, and glitters with the pomp of diverse banners. With what beauty and variety of expression is a familiar idea reproduced in the following simile, describing the descent of Attila's army upon the plains of Italy !—

' As when, winter-bound,
 The slope of some vast mountain, parch'd and frore,
 Hath slept long months in silence, save where howl'd
 The snow-storm round its peaks, or the rent ice
 Rang terrible through all its echoing glens ;
 By vernal zephyrs loosed the turbid streams
 Pour down its flank, and with one wasting flood
 O'erwhelm the vales beneath : so, pent long while
 By winter in his eyrie, now rush'd forth
 The desolating vulture crowned with gold,
 Attila's dread standard.'

There is more action and bustle in the Sixth Book than, perhaps, in any of the others ; for it embraces the progress and triumph of Attila from the commencement of the campaign to the fall of Aquileia ; in which, however, though it is the most important incident of the book, we miss that clearness of portraiture and distinctness of local description, which places the whole scene of the Leaguer before us, as in the ' Jerusalem Delivered ;'—as to which Chateaubriand, who had studied the original on the spot, observes, that so vivid and accurate is Tasso's plan of the siege, that we may even yet remark the tower where Aladdin is represented as sitting with Erminia, and retrace the paths by which Armida arrived, Erminia fled, and Clorinda advanced to the combat. The outline of Mr Herbert's siege is of a more faint and indistinct character, and, in fact, except for the fall of an old tower, which is represented as an outwork of importance, we have no very clear conception how Aquileia is taken after all. But the fall of this tower under the assault of the granite blocks, hurled from the Hunnish engines, is magnificent.

' Crumbling to its base,
 The stately fabric from its airy brow
 Drew ruin, with a crash, that shook far off

Tergeste's bay, and echoing wider smote
 Mount Maurus, and the peaks of Alpine snow.
 Uprose the dust from that great wreck to heaven,
 And stillness, quiet as the voiceless grave,
 Follow'd that fearful sound, as if the world
 Had pass'd away therewith annihilate.
 Slowly dispersing, the pulvereous cloud
 Reveal'd destruction, and a piteous breach
 Unveil'd rich palaces and marble domes
 Unto the hungry spoliator's view.'

We pass over the description of the carnage and the horrors that follow.

' Day dawn'd, and Aquileia was no more.
 No structure marks her site; no dwelling stands,
 Where once she grew in beauty; ruthless war
 Has swept her from the marge of those blue waves,
 Which laughing heaved before her marble halls,
 And wafted oft, by summer suns illumed,
 Gladness, and song, and still unheeding youth,
 Upon their sparkling foam.
 The sad swain
 Looks piteous o'er the vale, and asks where stood
 Bright Aquileia in her pride of power?'

The Seventh Book may be said to be almost purely episodical. It is occupied with a visionary representation of the Italian campaign, shown by the Spirit of Evil to the Enchantress Hilda, once the wife and favourite of Attila, but fraudfully divorced to make room for a newer passion—Eskam, her daughter and his own. Her love converted into hatred, she invokes the powers of hell to aid her in avenging her wrongs upon the faithless and licentious Hun; and with that view summons the arch-fiend to unveil for her the secrets of futurity. Perhaps the most striking part of this vision,—which to our minds is too long drawn out, and too obvious an excrescence upon the plot,—is the opening describing the first glimmering of the mysterious pageant upon the surface of the caverned lake where the display takes place.

' The wondrous beam illumed
 A lake more still than Lethe, in that cave
 Far bosom'd underground; no living form
 E'er stains its limpid surface, save where comes
 Eyeless and dark unto its breathing place
 The proteus serpentine, that makes abode
 In the great deep below, of ocean's flood
 The nether pool, where many a monster dwells,
 Saurus or huge Leviathan, unknown
 To the upper air. Astonish'd Hilda saw

Depictured on the mirror's watery lap
 A vast and noble city ; but within
 Nor motion, nor the shape of living thing
 Disturb'd the stillness of its marble ways ;
 Untenanted the fenced turrets rose
 On a deserted plain ; and all around
 A voiceless desolation seem'd to rule,
 Tranquil as death : the works of man were there,
 His pompous dwellings, and the haunts of life,
 But not his form ; the verdant meadow lay .
 Still'er than Eden's yet untrodden herbs,
 Nor cloven foot, nor undivided hoof
 Press'd their soft carpet ; but anon the dust
 Rose like a cloud on the horizon ; steel
 Gleam'd faintly, and an army's ample might,
 As if in truth reflected on the lake,
 Seem'd growing into motion. " There behold,"
 Satan pursued, " the shadows cast before
 " By wizard Time." Beauteous it was and bright
 To view the varied pageant, which advanced
 On the blue water, as if thousand arms
 Were glimmering to the sun, and crested helms,
 And banners multiform with symbols strange,
 The ornament of battle. As when, borne
 O'er Artic billows to the gelid land
 Far westward, the mazed mariner descries
 At morn reflected on the azure wave,
 Mast, hull, and crew, with all her canvass spread
 The spectre of some ship, which far aloof
 Speeds towards the pole. So gleam'd Concordia's domes
 Invaded by the Hun.'

The vision of the campaign passes by ; the scene changes to a
 rich tent of Bactrian fashion ; and Hilda sees a beautiful maiden
 in Eastern attire, at whose feet a kneeling youth appears to press
 his suit of love ; while at the threshold stands the scowling form
 of Attila, his eyes lighted up by the fires of jealousy. In reply
 to her anxious question, What are these forms ? Portending
 what ? To whom ? The demon answers,

' Thou hast view'd the shape
 Of fair Mycoltha, Bactria's royal nymph,
 Beloved of Attila, if lust be love.'

The Eighth Book is entirely occupied with the treacherous
 inactivity of the Roman general Ætius, who resolves to allow the
 host of the Huns to ravage Italy without impediment ; to coun-
 sel Valentinian to flight, and then to seize the moment of his dis-
 appearance to have himself proclaimed emperor ;—trusting that
 he shall afterwards succeed, either by force or fraud, in removing

his Scythian competitor for empire. It contains little that is remarkable, and is to us the least interesting in the poem. The truth, however, and happiness of expression in the following lines, which describe the gradual and benumbing progress of vice in a naturally great mind, induces us to extract the simile.

‘Heart-consuming Vice,
How dost thou from the soul its nutriment
Steal unperceived; and, when Time throws aside
Thy specious mantle, leaves its sapless age
Denuded of respect! As where in brakes,
That lie deep-cradled by Æmodian hills,
The dodder, like a baneful serpent, throws
Its coil upon some shrub or vigorous herb,
The lonely glen’s best ornament; entwined
Around each limb the parasitic wreath
Diffuses fragrance, and encircles it
With glory not its own; while, from each pore
Stealing the healthy sap, creeps slowly on
The sweet contagion, and behind it spreads
Pithless decay.’

Mean-while, Valentinian, lost in sensual indulgence in Rome, seems heedless of the progress of the enemy. Not so, however, the citizens. Alarmed by the wild rumours of the rapid advance of the Huns, they flock in crowds towards the Capitol, breathing blasphemies against Christianity, and calling for the restoration of their former evil sacrifices. The venerable Leo confronts them on the threshold; voices are not wanting in that savage crowd to call for the sacrifice of the pontiff himself—but he, nothing daunted by their rage and clamour, commands silence, and informs them that, weak and unarmed as he is, he is prepared to go forth, confident in Heaven’s aid, to meet the Hun, and endeavour to mitigate his rage. Awed by his enthusiastic and strong faith, the fickle crowd,

‘That came to curse, with alter’d heart and voice
Shouted Jehovah! Him in battle strong,
The King of glory, and the Lord of hosts!
While they, who to forbidden orgies clung,
Withdrew abash’d or murmuring; for the word
Was mighty, and in loud symphonious chant
Messiah’s name was wafted to the skies.’

After an interview with Honoria, who now, under the effect of suffering, has become sincerely penitent, the venerable pontiff sets out upon his perilous mission. The attempt of the ambassadors of Rome, Avicinus and Trigetius, to induce the barbarian leader to spare the capital of the world, has proved fruitless. Attila drives them from his presence:—

‘ Fly with wing’d speed to Rome,
Lest haply I outstrip thy laggard march,
And thou, first offering, bedew the sword
With thy life’s blood. Bid the vain Cæsar joy
Three nights of ease, three days of feasting, ere
His gore asperse the pyre, and his lopt arm
Be cast unto the winds.’

Trigetius makes a bold and indignant reply :—

‘ At those high words

Flush’d with indignant heat, the vengeful king
Strode forwards, and e’en then unbridled rage
Had cut all parley short, and bade the trump
Out-breathe defiance, never blown in vain,
The warning sure of blood ; but stately step
Before him Leo ; his resplendent brow
Beam’d with no earthly majesty, as, clad
In his pontifical robe, with palm outspread ;
He stood opposed to the destroyer’s wrath :
And thus,—“ Stay, impious ! ” he exclaimed, “ the blood
Spilt by thy fury reeks e’en now to heaven,
And judgment is upon thee. Against whom
Hast thou thyself exalted ? whom reproach’d,
Blaspheming the Most High ? Therefore His arm
Who smote with loathsome death the impious king
In vain self-magnified ; His arm who sent
Upon Sennacherib the fatal curse
Angelic, pour’d at midnight on his host,
And scared him from his lofty vaunt, to fall
By parricidal treason in the house
Of his foul god ; His arm who to the dust
Bow’d the triumphant Goth,* and in few months
Wiped out the boast of victory, and laid
Him in that lowly house, where great and small
Lie mingled ; thee to thine opprobrious home
Shall turn from hence confounded, and bring low
The throne, which thou hast ’stablished by sin.”

‘ The pontiff ceased ; awestruck the monarch paused,
And held his speech ; for round the man of God,
Who spoke, unconscious of the majesty
Wherewith Heaven clothed his brow, celestial light
Stream’d downward, and upon his right and left
Two forms, to Attila alone reveal’d,
With venerable port and hoary brows,
Larger than living, and more glorious, stood.
There was no voice, but close before the king

* Alaric.

Martyr'd Barjona* seem'd with splendour robed,
 And he of Tarsus,† his vindictive arm
 Extending ; as when whilome he rebuked
 The sorcerer in Paphos, and dried up
 His fount of light, he turn'd his stern aspect
 To that unhallow'd army, which stood nigh
 Confiding, and with proud impatience chafed.
 The king shrank back appall'd. A sound ensued
 As of an earthquake, when the mutinous winds,
 Imprison'd under ground, through some vast rent
 Strive viewless, shaking its distempered frame ;
 The sullen murmur of ten thousand fiends
 Roused from their lair. As on Sarmatia's plain,
 Or where Viadrus through the level glebe
 Rolls fruitfulness, if some belated swain
 At dead of night invades the winged herd
 Of Hyperborean fowls, that crop unseen
 The verdant blade, upon his startled ear
 Stupendous rises the confusive rush
 Of thousand mingling pinions, which at once,
 As gender'd from the womb of darkness, smite
 The pathless ways of air ; so rose the sound
 Of countless fiends departing, that aloof
 Followed the Archfiend, as some nocturnal baze
 Drawn hill-ward by the Sun ; the rustling flight
 Of Powers and dark Dominions, that forsook
 Him smitten in his pride by holy fear,
 And fallen.'

Pestilence assails his camp—half his army is destroyed—and the stern Hun is compelled to bid the Roman envoys depart, conceding that peace for which they had sued in vain in the outset, and to turn his steps again towards Pannonia. The following lines, which describe the disappearance of Attila's demon-steed, Grana, during the retreat, have much grandeur and solemnity of expression. A woman of terrific stature confronts the king, and warns him back :—

' From earth
 Sprang Grana, and, as wont, whenever brayed
 The trumpet's clang for battle, or the call
 Of huntsman sounded in Pannonian wilds,
 Toss'd high his mane, and neigh'd, and snorting flung
 His heels aloft ; then, bounding, made escape
 With that ill-ominous phantom to the depths
 Of lemure-haunted Hartz ; and with him went

* St Peter.

† St Paul.

The fortunes of him fear'd above mankind.
 Fame saith, in that dark forest he abides,
 Unbitted, riderless, seen dimly oft
 By some affrighted hind, with headlong course
 Speeding o'er all obstruction, while resounds
 The nightly horn, with voices, not of men,
 Borne faintly on the breeze, and o'er the waste
 Pale flickering lights are seen, and evil fires.'

The Eleventh Book resumes the story of Mycoltha, the Bactrian princess, who had long been betrothed to Andages, but whom Attila now resolves to force into a union with himself. No hope remains for the lovers but in flight to the Christian. They attempt an escape from the mountain recesses of Attila's camp, which are fenced by mysterious mechanical contrivances for preventing the exit of their inhabitants :—

'The tints of ruddy gold,
 Which glow'd upon the firmament, had long
 Bewray'd night's secrets, and the unclouded sun
 Climbing the vault of heaven rode gloriously,
 Ere the eighth brazen door was left behind.
 Fear gave them wings, and tremulous hope their flight
 Urged onwards. Listening still with dread intense,
 They start at every sound, and fancy oft
 On the unbroken stillness of the air
 The fatal larum brings. At length there came
 A rumour with the breeze ; first indistinct,
 It grew upon the ear, till plain and loud
 The inflated trumpet's voice articulate
 Gave warning. Over every glade remote,
 North, South, and East, and West, with one accord
 The simultaneous blast flew diverse, sent
 From hamlet unto hamlet, till it reached
 The huge circumference, where far aloof
 At one same instant, on the outer belt,
 Each warder hears the interdicted names
 Blown by sonorous metal, and what hope
 To 'scape or lie unseen, where each lone vale
 And thicket hath a tongue. Aghast they stand,
 As he, who in some glen, where raging flows
 The rock-imbedded river, swelled by streams
 From every wooded gill, whose steep indents
 The mountain sloping from its heathy waste,
 Hears the stupendous thunder, which rebounds
 From knoll to knoll, unto the fountain's head,
 Reverberated with appalling din
 Successive and unceasing.'

There is now no doubt that their pursuers are at hand, and all escape from the grasp of Attila hopeless. The lovers await their fate in each other's arms.

‘ One first last kiss
His lips have fixed upon her lips ; his eyes
Have look'd through hers into her inmost soul,
And in that transport have their spirits met,
Pure, sanctified, and not by human force
To be disjoin'd, or by that fated hour
Which comes to all. There is a blessedness
In utter desperation, and the throb
Of grief's acutest agony, which makes
The heart with such intense devotion glow
As borders upon joy. Twin hearts of love,
By power unrighteous sunder'd, become one
With a more absolute union, and cohere
So much in spirit more.’

Andages is led back to prison, and to death on the next morning's dawn, while immediate orders are issued for the celebration of Attila's nuptials with Mycoltha. Passing over the horrible attempt of Hilda to destroy Attila, after sacrificing two of his children, we can afford room only for one other passage. It describes the catastrophe of the poem, and the sudden and mysterious death of Attila, which leads to the breaking up of the Antichristian confederacy.

The banquet has been unusually splendid, but it fails to chase away the feeling of gloom with which the mind of the Hun finds itself assailed.

‘ The night was mirky, and unwholesome mist
Hung o'er the grove and high place, to the Accurst
Rear'd nigh the palace. The carouse was hush'd,
And to his bridal bower the monarch stepp'd
Secure of ill ; from his voluptuous couch
Never to issue in the pride of life,
Nor gird the sword, nor fulmine more the law
That wars against the spirit. Within, more pale
Than her clear virgin robe, with mournful eyes
Set on a crucifix of silver, knelt
Mycoltha. In despair her heart was turn'd
Unto her God, and purified by grief
Was wholly with its Maker. A still voice
Whisper'd beneath her bosom, that to Him
All things are possible, and mortal strength
But chaff before His breath. She rose as calm
To meet him, as if maiden pudency
Had nought to dread. A secret strength, breathed forth
As from the Highest, who is ever nigh
Those that with faithfulness and truth approach

His throne in prayer, upheld her : and she stood
 So beautiful, so tranquil, that she seem'd
 A thing too sanctified for mortal love.
 But not to Attila forbearance mild
 Or stay of passion came. By beauty's sight
 And that abominable meal inflamed
 His throbbing pulse beat high ; fierce rapture lit
 His ardent gaze, and as of right he laid
 Unholy touch upon her loveliness.
 " Forbear, great king," the virgin spoke, with port
 Majestic (and therewith her feeble hand
 Upon the dire teraphim, that adorn'd
 His kingly breast, with ruddy gold encased),
 She placed repulsive.—" There is One above,
 Can make the worm, whereon oppression treads,
 A stumblingblock to giants. Whether He wills,
 For some wise end, that these weak limbs, which are
 The temple of His Spirit, be made vile
 By thy polluting force or not, I know
 That my Redeemer liveth, and His arm,
 Which shall upraise me incorruptible
 And pure before my God, by the frail hand
 Of woman from the majesty of rule
 Can hurl thee, if He will. O thou, great Lord,
 Who, as the Hebrews tell, adjured didst give
 The Danite blind Thy might, to overthrow
 The Philistines and all their sculptured gods,
 Arm me with strength !"

' This said, her young frame, nerved
 By ecstasy of heaven-descended hope,
 She flung the strong one from her, as the reed
 Stoops to the wind. O God ! Thine arm was there !
 The mighty one of earth, who in thine house
 Boasted to plant the abomination, lay
 Upon his couch a corse, from nose, mouth, ears,
 Ejecting blood ; the gurgling fountain choked
 All utterance. Stretch'd in stillest ghastliness
 There the world's dread, the terrible, the scourge
 Of nations, the blasphemers, is become
 As nothing before thy consuming wrath ;
 His kingdom is departed.'

No one, we think, who has perused the liberal extracts which
 we have made from this work, can doubt that '*Attila*' is a work
 conceived in a grand and simple spirit, and abounding in passages
 finely imagined and finely expressed. Few poems which have
 appeared within the last twenty years evince a more thorough
 preparation on the part of the writer,—a deeper study of the sub-
 ject,—or a more just and masculine taste. But to what rank is it

entitled as an epic? Considered in this point of view, we must candidly admit that it seems to us to labour under several serious defects.

In the first place, granting that 'the grandeur of the subject' is undeniable, we cannot persuade ourselves that it affords any very available materials for poetry. Every attempt to treat it dramatically or in the form of narrative fiction has hitherto been a failure. The '*Attila*' of Werner is ridiculous; that of Mr James is the least successful of his fictions. We cannot see that its epic capabilities are much greater. The whole period to which it relates is so dark and undefined in its outlines,—we find it so difficult to form any idea of those savage tribes from which the leading actors of the scene must be selected, or to take any interest in their fortunes,—that we cannot but wonder at first how Mr Herbert should have been so strongly drawn towards a theme which, to most readers, would appear in attractive; and can only suppose that his descent from his warlike progenitors (for he informs us in a note, that the Herbert family trace their pedigree up to Alberon and the days of Attila), and his course of previous study must have invested it with a somewhat delusive interest in his eyes. The poem embraces the whole period from the battle of Chalons to the death of Attila (450 to 453), an interval of about four years; and, consequently, the task of preserving unity of interest, and exhibiting an obvious progression towards the catastrophe, is very much, and we think needlessly increased. Had the poem commenced with the advance upon Aquileia, Mr Herbert might still have interwoven with his action all his episo-
dical ornaments—such as the description of the Pagan sacrifices, Satan's survey of the state of Europe, the temptation of Honoria and Leo—while, at the same time, the poem would have appeared to gain in rapidity of movement, by the omission of periods during which the action makes no visible advance. The accidental death of Attila too, by the bursting of a blood-vessel, forms no proper epic conclusion in itself; and though Mr Herbert tries to take away from the incident its chance character, and to impart to it the more solemn air of a judgment from heaven, executed by a weak mortal hand, we cannot say that he has succeeded in rendering the incident a sufficiently impressive catastrophe for an epic poem.

In the next place,—and this, we think, is also in some measure owing to the remote and obscure period in which the scene of the poem is laid,—there is a vagueness and want of firm characteristic delineation about the characters. Attila alone is drawn with any force, but even he without much novelty of conception. His pride in his own divine, or infernal commission,—his hatred of

the Romans, and 'lust hard by hate,' the common historical features of his character,—come out, no doubt, palpably enough; but we should have looked for some attempt to make us more distinctly understand and sympathize with *the man*. The other characters, we are constrained to say, are little more than sketches. None of them are dwelt upon with sufficient detail to enable us to think of them as actual existences. They come like shadows and depart; and, with the exception of the venerable Leo, to whom a more important part in the action is assigned, can scarcely be said to influence the action of the poem in the least degree. Mycoltha, in particular (who, if the poem has a heroine, is probably entitled to that character, since it is by her hand that the enemy of Christianity falls), is never brought forward, with the exception of the allusion to her in the Third Book, after the sacrifice of the Christians, till her attempt to escape from the mountain-fastnesses of Attila in company with her lover, in the Tenth; and this incident, coupled with the nuptial tragedy in the Twelfth, are the only adventures in which the Bactrian Princess is concerned. We regret that more prominence was not given to this character, and would willingly have parted with Hilda and all that pertains to her, to have made way for its more detailed developement.

Looking to the poem as a whole, we must say also, that the descriptions bear an undue proportion to the action. This is, indeed, one of the besetting sins of modern poetry; and Mr Herbert has not been able to resist the temptation. More than once the descriptions are so detailed—as in Satan's Vision of Europe, the Story of Cyprian, the Pageant of the Italian Campaign—that the reader almost forgets the state of the story, and the precise bearing of these collateral matters upon the main action. The picture of the field of Chalons, after the battle, occupies nearly one hundred and fifty lines; nay, even the sword of Attila has a page of description and allusion devoted to it. We quote the passage both as illustrative of this tendency to prolixity, and as a striking example of that over-imitation of Milton which pervades the poem, and which must have been already, in some degree, obvious from the extracts we have made. Milton is a noble model, no doubt, and perhaps the safest which an English epic poet could prescribe to himself; but there is a difference between admiration and adoration; and Mr Herbert has not unfrequently imitated Milton in points where that great poet has been least successful. We readily grant that Milton has a high power of rendering his learning picturesque, and of using mere names in such a manner as to call up classical associations or romantic

pictures. But even in Milton, we doubt whether any critic, who candidly owns the truth, would not be disposed to admit that the poet sometimes abuses his privilege, and prolongs these passages of learned allusion, to the detriment of the general effect of his poem. Will it not be owned that Mr Herbert has fallen into a similar mistake in the passage we are about to quote?

‘ That steel upraised
 Myriads adore, to Britons known erewhile,
 What time the phantom monarch* they revered,
 Son of Pendragon hight, whose wizard life
 Was wedded to Excalibar, that thrice
 Waved its strange summons on the flood, and he
 Evanish'd; but still viewless oft at night,
 Like that terrific hunter, who first wore
 The charmed sword in Nineveh, with horns
 Rousing each savage from his lair, he sweeps
 The darksome covert, and shakes Albion's cots
 With midnight awe; and still, midst Ætna's wilds
 Precipitous, where blasted Typhon writhes
 Stretch'd under huge Pelorus, secret rise
 Her fairy halls, embower'd in changeless spring;
 Where, scaped from Modred's strife, he yearly mourns
 The recrudescant wound.’

This, be it observed, is but half the description, which extends through nineteen lines more of allusions to classic and romantic traditions; and, indeed, it is not possible to take up a single book of the poem without being reminded, frequently, we admit, of Milton's best points,—his sublimity and his purity,—but frequently also of his least agreeable peculiarities. We are satisfied that in Mr Herbert's case the systematic imitation of Milton, both in expression, and in the strain of allusion, has been seriously injurious to the originality, and may be seriously prejudicial to the success of his poem.

While we say this, let us at the same time bear testimony to the remarkable success with which, in many of his similes, he has caught the happiest manner of Milton, without any servile adoption of his language. The following examples are selected at random:—

‘ As he, who sails aloof
 Upon the perilous Atlantic, vex'd
 By baffling gales, what time his gallant bark
 Or on the summit of some dark blue wave
 Storm-beaten rides, or plunges into the chasm

* King Arthur.

- ART. II.—1. *A few Historical Remarks upon the supposed Antiquity of Church Rates, and on the Threefold Division of Tithes.* By a Lay Member of the Church of England. 12mo : 1837.
2. *The Antiquity of the Church Rate System considered, in Reply to a Pamphlet entitled 'A few Historical Remarks,' &c.* By the Rev. WILLIAM HALE HALE. 8vo : 1837.
3. *Letter to Lord Stanley on the Law of Church Rates.* By Sir JOHN CAMPBELL. 8vo : 1837.
4. *Observations on the Attorney-General's Letter to Lord Stanley.* By JOHN NICHOLL, LL.D. 8vo : 1837.
5. *The Origin of Church Rates.* By the Hon. and Rev. A. P. PERCEVAL. 8vo : 1837.

IT may be mortifying to the dignity of the clergy, and fatal to their pretension of an inherent Divine Right in the possessions they enjoy, but it cannot be denied, that for ages they were maintained by the voluntary contributions of the laity. In the infancy of the Church it could not have been otherwise, unless a miracle had been wrought in their favour. The Apostles and their immediate successors had no funds of their own to supply their wants and defray the expense of religious worship ; and deriving no pecuniary profit from their spiritual services, they had no resource for subsistence but in the liberality of the faithful. Such, however, was the fervour of the early converts to Christianity, that they not only contributed their goods for the benefit of the Church, but sold their possessions and laid the price at the feet of their spiritual instructors. Funds thus amply provided and freely bestowed, after supplying the necessary wants of the Church, were distributed among the more indigent of her members in acts of charity and beneficence. Alms were given to the poor and destitute, succours administered to the aged and infirm, and relief afforded to widows and orphans who were in want. Captives, who had been reduced to slavery, were redeemed ; exiles and convicts, doomed to the mines or other servile works on account of their religion, had their sufferings mitigated ; and the miseries inflicted by war, pestilence, or famine, were alleviated by the bounty of the Church. Among the secondary causes that promoted the diffusion and success of the gospel, none were more efficacious than these continual and ex-

tensive acts of beneficence; and it was the boast of the Christian apologists that means for them were furnished, not from the bitter fruits of taxation, but by the spontaneous collections and voluntary offerings of the faithful.

Such was the ardent zeal, and so munificent the liberality of the early Christians, that even in the second century we hear of many churches contributing largely to the relief of their indigent brethren in distant and remote provinces; and in the third century, if not earlier, donations of land had placed the churches of Rome, and of the other great cities of the empire, above a precarious and uncertain dependence on the monthly or weekly oblations of the pious. It is unnecessary to add, the relaxation of morals and discipline, the contentions for power, and other disorders inseparable from wealth, followed in its train; and though other pretexts might be used, it is no improbable conjecture of a great ecclesiastical historian, that it was to her riches and to the rapacity of the Pagan emperors, rather than to her doctrines, that the Church owed many of the persecutions she underwent.

It was still on the Voluntary principle, as it is called, that the Church depended for her support. The donations of land to particular churches or communities were invalid in law, and could only be enjoyed by the connivance or tacit permission of the magistrate. Accordingly, when Diocletian and Galerius made their last vain effort to extinguish the Christian faith, the first measure they adopted was to seize on the temples and confiscate the lands of the Church; alleging, in their justification, the ancient laws of the empire, which permitted no donation or bequest of land to communities not authorized by the state.

On the accession of Constantine to power, the edicts of Diocletian were repealed, the confiscated possessions restored, new and ample donations added, and regular allowances made by the government to assist in defraying the expenses of worship, and continuing the customary charities of the Church. Permission was at the same time given to all the churches of the empire to receive gifts or bequests in land or money from the faithful. For the first time since the introduction of Christianity, the Church became legally independent of the voluntary support of her votaries. The possessions thus acquired, though in their origin the free offerings of the faithful, when once bestowed, became the irrevocable property of the churches to which they were given, and could not be resumed by the donor or his heirs, nor confiscated by any authority short of the supreme legislature of the state, which had conferred on these churches a legal existence and corporate capacity.

The opportunity thus afforded of enriching their churches was not lost or neglected by the clergy. So rapid were their acquisitions, so indefatigable their exertions, and so unscrupulous the means they employed, that in less than fifty years after the edict of Constantine, it was found necessary, by a most pious and orthodox emperor, to impose legal restraints on their cupidity. An edict of Valentinian forbade them to haunt the houses of widows and orphans, or to receive gifts or bequests from their female penitents and devotees, whose infirmities, weaknesses, and fears at the approach of death, they had abused and perverted to their own advantage. The nickname of Legacy-hunters, which they had earned by their assiduities at the bedsides of the dying and infirm, justified the stigma and severity of this enactment. 'I complain not of the law!' exclaimed St Jerome, 'but I lament that we deserved it.'

In the primitive ages of Christianity, no bishop or presbyter pretended to be proprietor of the lands or chattels bestowed on the Church. The property was in the community of the faithful, and its destination was for pious uses. The bishops were merely the stewards and superintendents, and the deacons the managers and distributors of the revenues of their several churches. No specific rules or restraints were imposed on these officers, because no such rules or restraints were thought necessary. If the income of any church was misapplied, it was in the power of the congregation to withhold their contributions, or to direct them into a worthier channel. Not that this check was always sufficient: As early as the third century we hear of bishops applying to the gratification of their personal vanity or private indulgence the funds that had been placed at their disposal for the relief of the indigent. When churches acquired independent endowments, these irregularities must have become more frequent, and before the end of the fifth century we find the famous quadripartite division established at Rome. By this disposition, the whole income of every church, whether arising from rents, oblations, alms, or other voluntary contributions, was divided into four parts,—one for the bishop, one for the servants of the altar, one for the repair and decoration of the church, and one for the neighbouring poor dwelling in the adjacent district. It is probable, as Paul Sarpi has conjectured,* that these divisions were not arithmetically equal, but variable according to times and circumstances. When the Church was rich, and the clergy were few in number, less than a fourth was probably assigned to

* Sarpi delle materie beneficarie, § 7.

them; the portion allotted to their use being nothing more than what was strictly necessary for their decent subsistence. Where the Church required little or no reparation, and possessed a sufficient assortment of vestments, vessels, and other utensils for religious worship, less was set apart for these purposes. Where the poor were numerous and necessitous, their share was proportionally augmented. The bishop had the superintendence of the whole; and whatever surplus remained of his income, after discharging the duties of hospitality to wayfarers and strangers, he bestowed in charity. But in whatever proportions the revenue of the Church was distributed, there was every year a division made of it into four parts, and the principle thereby maintained that its riches were not the sole property of the clergy; that for the greater part of its income they were trustees and not proprietors; that it was not merely as a moral duty that they were bound to bestow a portion of its wealth on the indigent, but that all it possessed, after defraying the necessary subsistence of its ministers, and providing for public worship, belonged to the poor. So deeply-rooted were these notions, that long after they were departed from in practice, it was a question among the schoolmen whether the alms of the clergy partook of the nature of charity, or were not rather to be considered as the discharge and payment of a lawful debt. Nor was this language confined to the schools. It is to be found in the Acts of Councils, and Edicts of Popes and Princes. Charlemagne designates the possessions of the Church as the patrimony of the poor; and the same appellation is given to them in the reign of his grandson, by Archbishop Hincmar, and in the twelfth century by Pope Calixtus. By English metropolitans, and in English councils, tithes are repeatedly termed *tributa egentium animarum*; and so late as the time of the Reformation, it appears from the injunctions of Henry VIII., Edward VI., and Elizabeth, that 'the goods of the Church were still called the goods of the poor,' though little or none of them, it is confessed, ever reached the hands of their nominal proprietors.

That the quadripartite division of the rents, oblations, tithes, and other emoluments of the Church remained in force at the commencement of the seventh century, appears from the celebrated letter of Pope Gregory to Austin, the Romish missionary, who first introduced Christianity among the Saxons. This letter is frequently referred to in the pamphlets before us, and we are sorry to perceive that it has given occasion to many angry and acrimonious observations. We shall not follow the example set to us, but content ourselves with a plain and simple exposition of its contents, so far as they relate to the present subject. Aus-

tin is in the first place told, that whenever a bishop is ordained by the Apostolic See, he is directed to divide the income of his bishoprick into four parts,—one for himself, one for his clergy, one for the poor, and one for the reparation of churches. He is then reminded, that being a monk he can have no provision apart from his clergy. If any of his clerks, who are not in holy orders, have wives, he is desired to assign them pensions according to their wants; but for those who live in common, there are to be no separate portions. *All* that remains, after providing for these necessary purposes, is to be dedicated to pious and religious uses.* The general rule of a quadripartite division is laid down by the head of the Western Church. The exception in the case of Austin and his followers is not to relax the rule, but to make it stricter than usual. The whole income of the infant church is to be devoted to pious and religious uses, after providing for the expense of worship, and the necessary subsistence of the clergy.

The destruction of the Western Empire, which speedily followed the establishment of Christianity, brought much good and evil to the Church. The rapacious and insolent barbarian, in the first exultation of victory, plundered the temples and despoiled the clergy of their wealth; but when converted to the religion of the vanquished, he became profuse in his gifts and offerings to the servants of the altar; and when assailed by the terrors of dissolution, he sought, by his bequests to the Church, to atone for the immorality, violence, and cruelty of his past life. It was not, however, to the pious devotee and penitent sinner alone that the Church was indebted for her riches. The timid and helpless, the selfish and luxurious, contributed their share. To secure her protection, and add at the same time to their means of enjoyment, many were tempted to sell their estates to the Church, receiving a life annuity in return, which was sometimes twice or thrice as great as their former income.† By such arts the Church rose with rapidity to affluence. In France, long before the close of the Merovingian dynasty, one of their kings was heard to exclaim,—‘The state is reduced to beggary; its riches have passed to the Church; the clergy alone have wealth; the splendour of the Crown has vanished, and gone to decorate the mitre of the bishop.’ Exorbitant wealth, without military power to make it respected, led naturally, in a rude and barbarous age, to spoliation. Charles Martel having saved Christendom from the irruption of the Saracens, recompensed his soldiers with the lands of

* *Omne quod superest in causis piis et religiosis erogandum est.*

† *Sarpi, § 19.*

the Church. His successors, needing the sanction of religion to palliate their usurpation of the throne, requited the clergy with the imposition of tithes.*

From a very early age the payment of tithes had been inculcated as a moral duty by the clergy; and from the example of the Mosaic dispensation, it had been urged as an obligation incumbent on every Christian. By St Augustin, the most Protestant of the fathers, it was recommended as a substitute for lands and other worldly possessions, which, in his opinion, diverted the minds of the clergy from their proper calling. In a council held at Macon in 585, they who failed to pay tithes to the Church were threatened with excommunication. Stories were told of Divine vengeance falling on the unbelieving and uncharitable who withheld this pious contribution. Stimulated by avarice, pinched and impoverished by the rapacity of their bishops,† the clergy in their sermons inculcated no other duty but tithe-paying, and seemed to place the whole of Christian perfection in that single virtue; but notwithstanding these efforts, the voluntary payment of tithes was so precarious and uncertain, that about the middle of the eighth century it was found necessary to enforce it by law. To Charlemagne the clergy are indebted for that innovation; but in imposing this burden on his subjects, he was careful to revive and apply to tithe the ancient quadripartite division of ecclesiastical income. The tithe, when collected, was divided into three or into four portions, as the bishop had or had not a share in it. Where ample provision was otherwise made for the bishop, the division was threefold,—one part for the repair of the Church, one part for the poor, and one part for the servants of the altar.

Tithes were not limited to the tenth of the annual increase from land and domestic animals, no deduction being made for the

* On lands which had been taken from the Church a double tithe was imposed by the Carlovingsians; first, an ecclesiastical tithe; secondly, a ninth of what remained, as a compensation to the clergy for the deprivation of their lands, which were left in the possession of the intruders, nominally as a *precaria* or lease, renewable every five years, but in reality as a permanent property. Lands which had not belonged to the clergy paid only one-tenth.

† — i sermoni che erano fatti nella chiesa, lasciate le materie della fede, non versavano in altro, che in prove ed esortazioni a pagare le decime; cosa ch'erano sforzati i curati a fare, e pel bisogno e per l'utilità; e nell' amplificare oratoriamente, come occorre, spesso passavano tanto inanzi, che pareva mettersero tutta la perfezione Cristiana nel pagare le le decime.—SARPI, § II.

expenses of cultivation or nurture, but were extended to the profits of merchandise, to the spoils of war, to the produce of fishing and hunting, and even to the alms of the beggar and to the earnings of the prostitute. To silence the murmurs of the laity, it was given out that they were to be received as a substitute for all other ecclesiastical dues; but where other payments had continued to be made, the Ordinary was directed by Pope Innocent III. to maintain such pious and laudable customs against all who attempted malignantly to gainsay and resist them.*

In England, the payment of tithes appears to have been partially introduced in the eighth century, if not earlier, and to have been strongly recommended by ecclesiastical authority, but not to have been enforced by penalties till the beginning of the tenth century. The first penal statute for the compulsory payment of tithes is to be found in the laws ascribed to Edward the Elder, and to Guthrum, King of the East Anglian Danes; and the first ordinance on the Continent, which imposes on all persons, by secular authority, the burden of tithes, is contained in the capitulary of Charlemagne, *de partibus Saxonie*. A newly-converted people like the Danes, and the recently subdued Saxons, required, it seems, more stringent provisions in support of the Church than nations educated from infancy in reverence for her doctrines and respect for her ministers. So great was the repugnance of these neophytes to the payment of tithes, that Alcuin, more intent on the progress of religion than solicitous for the interests of his order, urged Charlemagne to desist from the imposition altogether. 'Melius est,' says this unclerical member of his profession, 'decimationem amittere quam fidem perdere.'†

The division of tithes in England was tripartite. On that point we coincide entirely with the opinion so ably and satisfactorily maintained by the author of the 'Historical Remarks.' Whatever advantage his antagonist may have over him in some subordinate questions of ecclesiastical polity, in his main argument, he appears to us to be completely in the right. It is not without hesitation that we enter on this controverted ground—not from apprehension of the arguments that may be urged against us, but from disgust at the violent, virulent, and acrimonious tone that has been lately adopted on all subjects affecting the Church. Temper and moderation are virtues inculcated by Churchmen, but where the supposed rights and interests of their order are concerned, it is inconceivable to what extent they can divest themselves of these qualities. It is an observation of Dr

* Sarpi, § 28.

† Selden's Works, iii. 115.

William Hunter, that in controversy anatomists are the most irritable of mortals; and he suggests as a reason for this peculiarity, that the common subjects of their contemplation are passive and unresisting. It is, perhaps, for a similar reason, that Churchmen are impatient of opposition. Unaccustomed, in ordinary cases, to reply, and having, therefore, like Goldsmith when he argued with himself, always the best of the argument, they are apt to consider every contradiction to their opinions as a rebellion against truth and reason. With the utmost respect for their character and station, we must protest against their assumption, that every one who differs from them must be deficient in knowledge or candour, and may therefore be lawfully assailed with weapons which in no other literary discussion are allowable.

We have great pleasure in excepting from this general censure one Churchman who has taken part in the present controversy. We differ from Mr Perceval in his animadversions on the late Ministerial plan for the abolition of Church Rates; and if we were disposed to enter on some other topics, we think we could point out to him several fallacies in the concluding part of his pamphlet. When tithes ceased to be voluntary oblations, and were enjoined by legal penalties, they became, to all intents and purposes, a tax or tribute imposed by the State; and so long as any Church accepts a stipend from the civil Government, it has no pretension to the privileges of an independent community, or can be permitted to act as such. Nor can we admit that the property of individuals stands on the same footing, as respects its applicability to national purposes, with the property of corporations, which owe their existence to the State, and may be altered or modified according to its discretion. But, in justice to Mr Perceval, we must say, that so far as he has noticed the ancient laws on Church Rates, he has cited them with fairness and without cavil, and that in treating his subject historically, he has shown a candour to be desired, but not always to be found in controversy.

It is impossible to peruse the ecclesiastical laws of the Anglo-Saxons without being struck with the observation, that they were derived from the continent, and adapted, with slight alterations, to the particular circumstances of England. On the continent the reparation of churches was a burden imposed on the holders of ecclesiastical property. To cite but one authority, the capitulary of Worms, published in 829,* declares, that they who have the ecclesiastical benefices shall keep the churches attached to

* Baluze, i. 614.

them in repair. We shall find that the same rule, with some slight modifications, obtained in England towards the close of the Anglo-Saxon period. On the continent, the partition of ecclesiastical funds seems in general to have been quadripartite, though in some places it was tripartite. In England, notwithstanding the instructions communicated to Austin as the general rule of the Apostolic See, it seems to have been tripartite.

The earliest testimony in favour of a tripartite division of tithes in England is to be found in the Excerptions of Egbert, who was Archbishop of York for thirty-four years, and died in 766. Mr Hale objects to these Excerpts, that they are not canons promulgated by the archbishop in a synod of his clergy; and contends that they cannot have been compiled in his lifetime, because some of them are to be found in collections published on the continent after his death. To the first of these objections we reply, that these Excerpts were taken from ancient canons of the church, which the clergy were bound to obey when published by their ecclesiastical superior; and that they were not extracted and promulgated by Egbert for his private edification, but as rules for the conduct of his clergy, is apparent from the Oxford MS., where the title prefixed to them is descriptive of the purpose for which they were collected: *Hæc sunt jura sacerdotum quæ* tenere debent*. In answer to the second objection, we admit that Egbert's Excerpt with respect to tithes is to be found, nearly word for word, in a capitulary of the Gallican bishops, published in 801. But it does not follow, as Mr Hale too hastily seems to infer, that the Excerpt, which passes in the name of Egbert, was taken from the capitulary of 801. It might have occurred to him that the bishops had possibly borrowed from Egbert, and if he had looked into Baluze he would have seen, that the capitulary of 801 does not pretend to be an original enactment, but is expressly stated to have been extracted by certain bishops, *ex diversarum scripturarum scriptis*.† The probability is, that both were taken from some earlier source.

The second testimony is from a pastoral charge written by the Monk Ælfric for a bishop of the name of Wulfine. We shall not bewilder ourselves and our readers with an attempt to trace the history of Ælfric. He was the most celebrated Anglo-Saxon scholar of his time, and author of many works that have come down to us. It has been disputed what bishoprics and archbishoprics he held. We think the expressions, which seem to imply that he attained either of these dignities, have been mis-

* Wilkins' Concil. i. 102.

† Baluze, i. 359.

understood, and doubt whether he ever rose above the rank of abbot.* It is sufficient for our present purpose that the charge in question was written for the use of Wulfstine, who was Bishop of Sherborn from 980 to 998. Mr Hale objects to the rules laid down by Ælfric for the government of the clergy, that they are not canons promulgated by authority. No one, who has ever read them, could suppose for a moment that they were intended to pass for canons. They were composed, as the introduction to them states, for the use of Bishop Wulfstine as a pastoral charge to be delivered for the instruction and reformation of his clergy. But, so far from being of less authority on that account, they afford the most irrefragable proof, that a tripartite division of tithes was at that time not only the law but the practice of England. Is it conceivable that an injunction to divide tithes into three parts,—one for the repair of the church, one for the poor, and one for the servants of the altar,—should have been composed for a bishop, as part of an episcopal charge to be delivered to his clergy, if no such practice had been then in existence? Is there a bishop of the present day who would make such a charge? Is there a bishop's chaplain employed to draw up a visitation charge for his patron, who would insert in it an injunction to the parochial clergy of the diocese to set aside one-third of their income for the repair of their church, and another third for the poor of their parish? Would not such a charge be considered ridiculous, and the author of it a person beside himself? But, what would appear to us absurd and out of place at present, must have appeared equally misplaced and absurd in the days of

* Mr Hale refers us to Mr Soames' History of the Anglo-Saxon Church for a very interesting account of Ælfric. We have looked into that work, and are by no means satisfied with the account it gives of Ælfric. Mr Soames has no doubt that Ælfric succeeded Kenulf as Abbot of Peterborough in 1005. If he had looked into the Chronicle of Peterborough (Sparke, ii. 31) he would have seen that Ælsine succeeded Kenulf as Abbot of Peterborough, and held that office for fifty years. It was the same Ælsine called Ælfrige in the Saxon Chronicle, who accompanied Queen Emma in her flight to Normandy, and not the learned Ælfric, as Mr Soames imagines. He is right in correcting Wharton, who makes Ælfric, Archbishop of York, to have been formerly Abbot of Winchester; but he is wrong in rejecting the authority of Stubbes, confirmed by the Peterborough Chronicle (in 1023), who makes him Prepositus or Prior of Winchester, before his elevation to the See of York; and by that very statement overthrows the hypothesis of Wharton and Soames, that Ælfric, author of the Epistles to Wulfstine and Wulfstan, who was certainly a monk and abbot, is the same with Ælfric Bata, Archbishop of York. Ælfric Bata speaks of the elder Ælfric as his master.

Bishop Wulfstine, if there had been no such division of tithes in his time.

We come now to the third and most conclusive evidence for the tripartite division of tithes in the Anglo-Saxon Church. We come to a declaratory law on the subject promulgated by the King and Witenagemot, or Supreme Legislature of the kingdom. In a constitution apparently of Ethelred II., it is written, 'concerning tithes, that the King and his Witan have decided and pronounced, even as the law is, that one-third of the tithes of every church shall go to the repair of the church, one-third to the servants of God, and one-third to God's poor and to necessitous persons in servitude.' No law can be more explicit or free from obscurity. It makes no new enactment, and merely records and confirms the ancient common law of the land. It is a declaratory statute, affirmative of the law as it then existed.

To this law, so clear and decisive in its provisions, Mr Hale objects that, in his opinion, it is not genuine; and, to corroborate his doubts of its authenticity, he produces a letter of the late Mr Price. We have read that letter with attention, and cannot but express our admiration that Mr Hale should have been misled by its contents. Whether it arose from the indistinctness of Mr Hale's enquiries, or from some misapprehension on the part of Mr Price, it is plain that the observations in the letter apply, not to the particular constitution of Ethelred directing how tithes are to be divided and distributed, but to the general contents of the volume of Corpus Library, in which that document is accidentally placed. The volume in question (S. 18 (201) C.C.C.C.) contains eighty-four different pieces of the most miscellaneous description, to some of which the observations of Mr Price are applicable, but not one of them to the constitution of Ethelred. If Mr Hale had only taken the trouble to read that constitution, and compare it with Mr Price's letter, he must have seen at once, that while he was questioning on one subject, Mr Price was answering about another. Mr Price says that some passages of the MS. are metrical. There is nothing metrical in the constitution of Ethelred; but in the same volume there are not less than six metrical pieces bound up with it. He calls it 'an assemblage of points of canon law.' There are no canons or allusion to canons in the constitution of Ethelred; but in the same volume there is a collection of forty-five canons forming a separate tract. It records, says Mr Price, certain practices 'observed beyond sea.' No such practices are mentioned in the constitution of Ethelred; but these words are to be found in some collections of Edgar, included in the same volume;—'All chronology,' says Mr Price,

‘is neglected, the provisions of Athelstan being made to follow ‘those of Edgar.’ There is no neglect of chronology in the constitution of Ethelred. All the kings mentioned in it, Athelstan, Edmund, and Edgar, follow in the regular order of succession. It is true that the transcriber has inserted in the same volume the laws of Athelstan after those of Edgar, both being distinct and separate pieces. ‘The collection,’ says Mr Price, ‘was made for private use.’ Mr Price was fully aware, though it may be necessary to apprise Mr Hale of the fact, that there is no statute-roll extant of our Anglo-Saxon kings; and that (original charters excepted) we have nothing but copies made by private persons of the memorials of those times; the names of the transcribers being generally unknown, and the dates of the transcription seldom given.

It should be remembered that Mr Price was labouring under a mortal disease at the time Mr Hale applied to him for information. When employed at Corpus in collecting MSS. for his intended edition of the Anglo-Saxon laws, he must have seen and examined the volume in question; but from his letter to Mr Hale it is plain that he had bestowed no particular attention on the constitution of Ethelred. Interrogated about that tract—desirous to please Mr Hale—and unable, from the state of his health, to make a second journey to Cambridge—he seems hastily to have thrown together on paper his notes and recollections of the volume in general; having nothing of importance to say of the particular tract, which was the special object of enquiry. Mr Hale, glad to have the appearance of a respectable authority against the tripartite division of tithes, seems to have embraced his conclusions without examining the grounds on which they were formed.

But Mr Hale has himself examined the MS., and from his own inspection of it he is enabled to say, that of three persons who appear to have read it carefully, one has ascribed it to Ethelred; one has expressed a doubt whether that reference be correct; and one has ascribed it to Canute. All this may be true, without detracting from the authenticity of the law. Mr Hale is perhaps not aware, that many unquestioned fragments of the Saxon laws want the name of the king by whose authority they were enacted; and that in some cases it is doubtful to what period they ought to be referred. In the present instance the question lies between Ethelred and Canute. The preamble to this constitution states expressly, that it was made by the King of the Angles with aid of his Witan; and the King and his Witan are again brought forward as authorities for the declaratory enactment concerning tithes. In a subsequent part of the constitution mention is made of the death of Edgar, since which, it

is added, Christ's law has waned, and the King's law diminished—expressions which are certainly more applicable to the feeble government of Ethelred than to the vigorous administration of Canute.

Mr Price was not the only person consulted by Mr Hale. The opinion of another gentleman was asked. That opinion, given in writing, was at variance with the one expressed by Mr Price; but Mr Hale, having unfortunately mislaid the letter, has not produced it. As that gentleman is still alive, we regret that Mr Hale had not applied to him a second time for his opinion, instead of publishing, after the death of Mr Price, a letter written under the pressure of illness, which that gentleman had no opportunity of revising and reconsidering before it was printed. We regret this the more, because we have understood, on what we consider good authority, that the gentleman applied to after the death of Price,—who is one of the first of our Anglo-Saxon scholars,—did not found his opinion merely on his contempt of Wilkins and respect for Schmidt; but that after carefully examining the MS. in Corpus Library, and transcribing for Mr Hale the passage concerning tithes, he gave his deliberate judgment in favour of the antiquity of the MS. and of the genuineness and authority of the law, as an ordinance of the King and of his Witan assembled in *gemot*, binding alike on laity and clergy.

Another Saxon scholar of first-rate eminence has recently examined the disputed MS. It is his opinion that the handwriting is not later than the beginning of the twelfth century, and judging from the language, he thinks it a copy from a MS. yet more ancient. He has no doubt of its authenticity and authority; and comparing it with Wilkins' publication of the Anglo-Saxon laws, he finds the passage about tithes, which contains one grammatical error, correctly printed from the MS.

If to these opinions we add the authority of Wanley,* no mean judge of Saxon MSS, we see no reason, notwithstanding the inspection of Mr Hale, to question the authenticity of the MS. or authority of the law.

'The fifth chapter of Edmund's Ecclesiastical Laws,' says Mr Price, 'declares that the bishop is to repair the church at his own expense.' We differ from Mr Price, and, with much greater hesitation, from the author of the Historical Remarks, in their exposition of this law. According to our interpretation, the bishop is enjoined to repair the house of God in his own bishopric, and to admonish the king that all churches of God

* Wanleii Catalogus 137.

be well furnished. The law directs that churches shall be kept in repair, and provided with all things necessary, but says nothing of the sources from which these expenses are to be defrayed.

But, if the law of Edmund be silent on that subject, the transactions that followed in the reign of Edgar are more explicit. At the accession of that prince, he found the minsters and churches occupied by canons, who spent their income where they pleased, neglected their churches, and discharged their clerical duties by vicars or deputies, who were too poor to keep their churches in repair, or to make decent provision for the celebration of worship. Indignant at this abuse, and grieved to see the revenues, that had been so lavishly bestowed on the church, no longer applied to the *reparation of churches*, to the *servants of the altar*, or to the *relief of the poor** (the three great articles of the tripartite division), Edgar, after ineffectual attempts to reform the canons, expelled them from their seats, and substituted monks in their place. In the further prosecution of his plans for the reformation of the church, he took measures to encourage and multiply parochial divisions, which were still imperfect in England. By a law, enacted with consent of his Witan, he declared, that if any thegn had a church on his bocland, with a churchyard annexed to it, he might retain one-third of the tithes of his estate for the use of his church; that is to say, for the incumbent he appointed to discharge the duty performed in it. Why was a churchyard to be annexed to the church? Because it was a churchyard that distinguished a parochial church from a private chapel. Why was one-third and one-third only of the tithe reserved for the incumbent? Because it was the priest's portion, the remaining two-thirds being at that time paid to the minster for the general service of the diocese. There can be little doubt that it is to this law we owe the excessive number of small parishes in England, every proprietor of bocland being desirous to have a priest on his estate of his own appointment.

Tithes were not the only fund appropriated by our Saxon ancestors to the reparation of churches. By a decree of the Council of Enham, passed in the reign of the same Ethelred, who published the declaratory law on the partition of tithes, the God-bots or pecuniary penalties incurred by sinners were applicable

* *Dolens tam divites eleemosynas collatas ecclesiæ, non in ecclesiâ, non in ministris ecclesiæ, non in pauperibus expendi.*—*Monasticon*, i. 33 ex MS. Cotton. Domitian A. xiii.

in part to the same purpose.* Nor was this all. By a law of Canute the whole body of the laity might be called upon to assist in the same pious work. ‘To church repair,’ says Canute, ‘all people must by law give their help.’† That is to say, if other funds provided for the reparation of churches be insufficient, they must be repaired by help of the community. The enactment of Canute does not abolish the constitution of Ethelred, which declares that one-third of the tithes of every parish is appropriated by law to the reparation of the church. It does not abolish the decree of the Council of Enham, which applies to the same purpose the God-bots or pecuniary penalties incurred by sinners. It merely appoints a subsidiary fund, to which recourse may be had if the others are found insufficient. It would be a strange inference, that, because a new tax has been imposed to supply the deficiency of an existing one, the old tax is thereby repealed, there being no words to that effect in the new enactment. Considering the state of England at the accession of Canute—the ravages of preceding wars—the numberless churches plundered and destroyed by the heathen Danes—it is not unwarrantable to suppose, that the ordinary funds for the reparation of churches were insufficient; and that some extraordinary imposition had become necessary to restore the sacred edifices which had suffered devastation, and provide them with the vestments, crosses, and other things necessary for the celebration of worship. Would Mr Hale be satisfied with such a law at present? Would the clergy be content to contribute one-third of their tithe to the reparation of the church, on condition that if any additional sum was wanted, it should be raised by a rate on their parishioners? But, though the law of Canute abrogated none of the ancient provisions with respect to tithes, and left in particular the declaratory law of Ethelred unrepealed, we have little doubt that it served as an inlet for the introduction of Church Rates, and enabled the clergy gradually to throw on the laity the chief expenses of religious worship. A careful examination of the progress and succession of clerical encroachments after the Conquest leads us strongly to that opinion.

Under the Saxons, the laws of the Church and State were enacted by the same authorities, and administered by the same tribunals. The Conqueror, towards the end of his reign, with consent of his great council, separated ecclesiastical from secular jurisdiction, and directed that all questions of a spiritual nature should be tried by the bishop, not in the hundred court, but at

* Wilkins' Leges, A. S. 124.
VOL. LXVI. NO. CXXXIV.

† Wilkins' Leges, A. S. 143.
X

his episcopal residence, or where he chose; and should be decided, not according to the laws of the hundred, but according to the canons and ecclesiastical laws of the Church. By this enactment all questions regarding the appropriation and distribution of ecclesiastical income were withdrawn from the secular and transferred to the ecclesiastical courts. It would be in vain, therefore, to look for further information on this subject any where but in the acts and records of the Church. The notices derived from these sources are not numerous for some time after the Conquest, and not always explicit or free from ambiguity; but enough remains to show, that during the two following centuries, churches were repaired and provided with all things necessary for religious worship, chiefly, if not entirely, from ecclesiastical funds.

That, under the Conqueror, churches appropriated to monastic foundations continued to be repaired by those who enjoyed the tithes and other revenues of the church, appears from a fact incidentally mentioned in the *Monasticon*. Alberic, Earl of Northumberland, gave to St Cuthbert and to the monks of Durham the church of Tynemouth. After remaining deserted and without a roof for fifteen years the monks roofed the church at their own expense, and restored it to use.*

We have little doubt that a diligent search of entries in the *Monasticon* during the eleventh and twelfth centuries, would bring to light many similar instances of parish churches appropriated to monasteries, continuing to be decorated and repaired at the expense of the monks, to whom their revenues had been assigned. Of the general principle, which then prevailed, that edifices dedicated to religion should be repaired out of the funds of the Church, we have an illustration in a bull of Pope Urban III. to Baldwin, Archbishop of Canterbury, in 1186. The archbishop is directed to divide into four parts the oblations offered at the shrine of Becket; to set aside one part for the monks, one part for the *fabric of the Church*, one part for the poor, and to employ the remaining fourth in such other good works as he pleased.† This injunction is the only allusion we have met with since the days of Austin to a quadripartite division of Church revenue in England.

To show that parish churches in general continued for a considerable time after the Conquest to be repaired from ecclesiastical funds, the author of the 'Historical Remarks' has referred to the proceedings of a Council held at York in 1195 by Hubert, Archbishop of Canterbury, in virtue of his legatine authority. Among

* *Monasticon*, i. 45.† *Diceto. Imag.* 631.

the decrees of that Council he finds an order to 'the parsons and vicars of churches to take care and provide, according to their competent incomes, that such as require repair should be repaired.' Mr Hale objects, in no very courteous language, to the translation of the words—*secundum competentes eis pensiones*—which the author of the remarks has rendered *according to their competent incomes*; and it must be owned that the translation, though it gives the sense, is not a literal version of the original. But, if the passage had been rendered—*according to the pensions or payments pertaining to them*—what difference would it have made? The plain object of the law is to make parsons and vicars keep their churches in repair out of their ecclesiastical funds, and to contribute to that reparation in proportions corresponding to the incomes they severally derived from the living, which were as various as the private agreements they made with each other. In some cases, as appears from a subsequent Council,* the rector was content with a moderate pension, and left to his vicar, with the duties, all the remaining profits of the benefice; and in such cases he was charged accordingly with the reparation of the church. Where, on the contrary, the rector kept the largest portion to himself, the charge of the vicar seems to have been proportionally abated.

The important point, as regards the controversy between Mr Hale and his opponent, is the evidence afforded by this decree, that in 1195 the rector or vicar, or both jointly, were bound to keep the church in repair out of the payments made to them in respect of the living. Not only was this burden imposed on them, but they were bound to provide fit and becoming ornaments for public worship; and, if the church could afford it, to have a silver chalice for the celebration of the eucharist. All this they were bound to do within a year after the entrance of Archbishop Hubert on his legatine authority; and if orders to that effect were not given before the expiration of that period, the injunction was to be carried in all points into execution *out of the revenues of their several churches*.†

* Concil. Dunelm. apud Wilkins' Conc. i. 580.

† We subjoin the original words of the decree as preserved by Hoveden:—

'Cum in domo orationis, quæ domus Dei nuncupatur, nihil debet esse indecens, nihil inordinatum, præcipimus, ut personæ et vicarii ecclesiarum studeant providere secundum competentes eis pensiones, prout ratio dicitur et consuetudo approbata postulat, quatenus ecclesiæ, quæ reparatione indigent, reparentur. Item, cum ornamentis ministerio congruis ministratur. Item, cum calice argenteo, ubi facultas suppetit, sacramentum eucha-

Having justified, as we conceive satisfactorily, the author of the 'Historical Remarks' for the use he has made of Archbishop Hubert's decree, we shall not press the argument he has drawn from the acts of the Council of Oxford in 1222. We admit that the words *onera ecclesiæ*—charges or burdens of the church—are not sufficiently explicit, and may refer either to the repair of the church, or to other burdens or services attached to it. But we cannot help remarking, that among the decrees of that very Council there is one,* which implies, that the expense of ornaments and of other things necessary for religious worship (no small articles in our modern Church Rates), continued still to be defrayed by the parson. The archdeacon is directed to make an inventory of the ornaments, utensils, vestments, and books belonging to every church in his district—to examine every year if they are in good condition—to see what additions have been made to them *by the parson*—and to notice the injuries they had received from malice or from neglect.

Many similar decrees of synods and councils are to be found in the early part of the thirteenth century. In a synod, for example, held between 1217 and 1226 by Richard de Marisco, Bishop of Durham, an order was made, that if the rector of any church died, leaving his church without a competent provision of sacerdotal vestments, or without books, or deficient in both; or if he left the buildings of his church in a decayed or ruinous state; so much should be taken from his ecclesiastical effects as would be required to repair the buildings, and supply what was wanting in the other necessities for the celebration of worship.† So favourably was this constitution received, that it was repeated in 1236 by Edmund, Archbishop of Canterbury, and extended over the whole of his extensive province.‡ At a still later period, in a synod held in 1246, by Richard de la Wich, Bishop of Chichester, directions were given, that churches should be decently roofed, and chalices, books, and other articles for religious worship, provided in sufficient number, and becoming condition, out of the goods of deceased ecclesiastics, who had neglected; when alive, to preserve and decorate their churches in a competent manner.§

ristæ ministretur. Huic ordinationi terminum præfiximus ab initio nostræ legationis in annum. Quodsi hæc medio tempore executioni mandata non fuerint, decernimus, ut ante elapsum terminum de ecclesiarum redditibus dispositio nostra plenum sortiatur effectum.—HOVEDEN, apud SAVILE, 430.

* § 24.

† Concil. Dunelm. de pœna Archidiaconi, Wilkins' Con. i. 580.

‡ Constit. Provinc. S. Edmund, § 26, ib. i. 638.

§ Ecclesiæ vero honeste cooperiantur, calices et libri et omnia orna-

From these extracts it appears, that during the first half of the thirteenth century church buildings were repaired, and the vestments, books, and other necessities for the celebration of worship, provided out of the funds set apart for ecclesiastical uses. Nor was the amount inconsiderable. If we are to believe a statement made by the clergy to the Pope in the reign of Henry III., these burdens, with the addition of alms to the poor, and hospitality to travellers, absorbed one-half of their income.* The parishioners may have been compelled, under the law of Canute, to help in the reparation of the church; but we have met with no direct proof, or even indirect hint of the fact, and find no indication of any specific services they were made to render, or of any particular articles for use or ornament they were called upon to furnish. The distinction, so carefully marked in after times, between the chancel and the nave, or body of the church, seems at that time to have been unknown in England. The first mention of it we have seen is found in a bull of Pope Honorius III. to the Scottish clergy in 1225.† The clergy of Scotland, having no metropolitan, had no right, as they conceived, to hold a national council. To remedy this inconvenience Pope Honorius issued a bull conferring on them that privilege, and sent with it a body of canons, which they were to adopt for their future government. Amongst these canons there is one, which directs that churches shall be built of stone, and imposes on the rector the obligation of erecting the chancel, and on the parishioners the erection of the church itself. The same canon requires that churches should be provided with ornaments, books, and other necessities before consecration, but says not by whom they are to be furnished. Mr Hale has found a document in the *Registrum Roffense*,‡ which shows, that about the same time the monks of Rochester, as rectors of a vicarage, were bound to repair the chancel of a parish church; but this document is silent with respect to the persons who were to repair the body of the church. It is not till 1250 that we find the obligation of repairing the nave of the church imposed in direct terms on the parishioners. In that year, Walter de Gray, formerly chancellor of the kingdom, and at that time Archbishop of York and Papal legate—a prelate more remarkable for his political subserviency than distinguished for his learn-

menta ecclesiastica sufficientia sint, et honesta, et de bonis clericorum decedentium, secundum quod cautum fuerit, suppleantur, nisi in vita sua ecclesias ornaverint competenter.—Wilkins' Con. i. 691.

* Matthew Paris in 1246.

† Conc. Provinc. Scotican, § 5, apud Wilkins' Conc. i. 608.

‡ Hale, 37. Registr. Roffens, 387.

ing, or respected for his virtues—published a provincial constitution, declaring what were the burdens to be borne by rectors and vicars, and what were the obligations to be exacted from their parishioners. By this constitution* the parish was to keep in repair the body of the church and the bellhouse, to enclose the churchyard, and to provide a vast number of ornaments, vestments, crosses, bells, and other things necessary for religious worship; the whole of which are enumerated at great length, and with great minuteness. No burdens were reserved for the rector or vicar, except the repair of the chancel and parsonage, and the cost of such articles as the ordinary might by former constitutions compel him to supply. The example was contagious, and, before the end of the century, the provisions of Walter de Gray were extended to every part of the kingdom. In 1280, Archbishop Peckham introduced these innovations, in nearly the same words, into the province of Canterbury.† His suffragans, especially Peter Quivil, Bishop of Exeter, followed his example, *consuetudine contraria non obstante*;‡ and in 1305, Robert of Winchelsey confirmed all his predecessors had done.§ As far as Church authority could go, the system of Church Rates was established on its present footing.

In prosecuting these innovations, the clergy are seen advancing gradually, with hesitating and uncertain steps, as if fearful to provoke resistance to their encroachments. In 1246 we meet with the first ordinance that enjoins parishioners to fence and enclose their churchyards; but the same statute declares, that the goods of the church are to be bestowed, as far as may be, on the poor; that rectors are to reside and exercise hospitality; and if they leave their churches unfurnished, that the deficiencies are to be supplied from their effects.¶ In 1255 the rectors and vicars in the diocese of Durham are directed to attend to the fabric and ornaments of their churches, *quantum ad eos pertinet*;¶ leaving it undetermined what belonged to them, and what belonged to others. In 1256 the regulations of Walter de Gray were partially adopted in the diocese of Salisbury. The parishioners were charged with the nave, the steeple, the bells, and other articles; but, in addition to the chancel and altar, the parson or vicar was to find cups and other necessities for the eucharist.** To former lists of linen clothes, vestments, books, crucifixes, candlesticks, cups, bells, and other utensils to be provided by the parish, Peter

* Wilkins' Conc. i. 698.

§ Ibid, ii. 280.

** Ibid, i. 713.

† Ibid, ii. 49.

¶ Ibid, i. 691.

‡ Ibid, ii. 138.

¶ Ibid, i. 704.

de Quivil made considerable additions ; leaving little or nothing, besides the repair of the chancel and parsonage, to be done by the rector.

How differently the Church in former times was provided with these articles, appears from an enactment of William, Archbishop of York, in 1153.* After lamenting bitterly, that when a vicar or rector died, leaving his church insufficiently provided with ornaments, it was usual for his successor to make exorbitant charges for dilapidations, and then to apply the money to his private use, instead of expending it on the objects for which it had been obtained, he proceeds to state, that in order to repress such iniquity, the dilapidations claimed by new incumbents shall in future be estimated by the lawful and discreet men of the vicinage, and the amount expended at the sight and under the inspection of persons specially elected for the purpose. In many subsequent synods what things were understood by the ornaments of the Church are frequently enumerated at length, and the archdeacon is directed to see that they are in sufficient number, and in proper condition ; but not a word is said of the persons by whom they are to be provided.† If any inference is to be drawn from the expressions used on these occasions, it rather seems that they were to be furnished at the expense of the Church. When, for instance, it is ordered that churches *secundum facultates suas decentibus fulgeant ornamentis*, and where they are rich, that they are to have a larger assortment of furniture, it seems implied, that it was from the funds of the church, and not from the parish, that these articles were to be provided.‡ It was not till the Council of York, in 1250, that the whole or any considerable part of the ornaments of the church was thrown upon the parish.

The progress of these innovations is illustrated by some corresponding changes in the regulations concerning churchyards. There seems to have been a doubt in the twelfth century whether the trees and herbage growing in churchyards were spiritual or temporal property. To put an end to these doubts, William, Archbishop of York, published a constitution in 1153, by which he prohibited laymen from using the herbage, or felling and carrying away the trees that grew in churchyards, without leave of the rector ; forbidding at the same time rectors and vicars themselves from applying the trees to any other use than to the reparation of the church, and of the parsonage attached to it.§ In 1287

* Wilkins' Concil. i. 425. † Ibid, i. 587, 623. ‡ Ibid, i. 666.

§ Nisi in ecclesiæ suæ reparationem et ædificationem mansi proprii ad ecclesiam pertinentis.—Wilkins' Conc. i. 425.

the question had come again into discussion, and given rise to frequent disputes between parsons and their parishioners. To put an end to these altercations the property was again declared to be in the rector; but, on the ground that trees in churchyards were often planted there as a screen and protection to the church against wind, he was forbid to fell them, unless they were wanted for the necessary repairs of the chancel. If the parish be poor, it is added, he may in charity allow some of them for the repair of the nave; which we do not command to be done, but when it is done we commend it.* This last and final decision seems to have given so much satisfaction that it was afterwards incorporated in the statute-book.† We have in these proceedings a striking illustration of the progress of ecclesiastical usurpation. What was the duty of the parson in 1153 is represented as the duty of the parish in 1287. What was obligation in 1153 had become charity in 1287.

It is natural to enquire what causes were in operation during the thirteenth century that instigated the clergy to this course of systematic encroachment; and what were the circumstances in England that enabled them to succeed. We believe it was the multiplied exactions of the Roman see which drove them to these measures; and that it was the weakness and connivance of the English Government in these exactions which prevented any effectual resistance to their enterprises. Every one knows that during the eleventh and twelfth centuries there was an arduous and protracted struggle throughout Europe between the temporal and spiritual authorities. The latter, under the guidance of the Roman Pontiffs, eventually succeeded. In whatever light this contest may be placed by modern historians and polemics, it was a struggle of moral and intellectual power against brute and ignorant violence. Happily for the world the Popes prevailed; and, as usually happens, where principles form the subject of discussion, both parties were improved by their mutual contention. At the conclusion of the contest the enemies of improvement were further advanced than its friends had been at the commencement. While the battle raged, the clergy, who were the demagogues of those days, fought, with some few exceptions, under the banners of the Pope; but, like the soldiers of Cromwell and Napoleon, when the war was ended, they found their general had become their master. In no country had the Papal victory been more complete than in England. The pusillanimous John, after rashly

* Wilkins' Conc. ii. 140.

† *Ne rector prosternat arbores in cœmiterio.*—Statutes at large, i. 221.

provoking a contest with the see of Rome, had been induced by his fears to subject his crown to the feudal superiority of the Pope; and though that ignominious dependence was not long maintained in its full extent, the whole reign of his successor is marked by more than usual subserviency to the Roman See. Deprived of any effectual protection from their king, the English clergy were left a prey to the rapacity of the Pontifical court; and as the Popes, during the greater part of the century, were engaged in never-ending contests with the Suabian Emperors and Kings of Sicily, their occasions and demands for money were unceasing and exorbitant. The grounds of their applications were various, and sometimes shameless and profligate in the extreme. On one occasion the Papal legate, in an assembly of the English clergy, after a frank confession of the venality and corruption of the court of Rome, alleged its poverty as an excuse, and modestly asked from every cathedral two stalls, and from every monastery the subsistence of two monks, as the price of its abstinence in future from these malpractices.* In every page of Matthew Paris we meet with complaints of the rapacity and exactions of the Papal court. It was in vain for the clergy to resist. If they appealed to the king as their natural protector, they found him in league with their oppressors. In the bitterness of their anguish they exclaimed, 'wo betides the sheep when the shepherd confederates with the wolf.' If they returned a direct refusal to the Papal legate, who demanded their money, they were threatened with interdicts and excommunications. If they joined to send an embassy to Rome with their complaints, the subtle Italians, with whom they had to deal, found means to disunite them and break up their councils. To their firm and spirited remonstrances, smooth words and evasive promises were sometimes given, and at other times angry and menacing replies. It is a striking proof that the ancient tripartite division, if not strictly observed in practice, was still remembered and respected as a legal obligation in England, that, in a memorial presented by the parochial clergy of Berkshire, it is urged against the papal demand of part of their income, that, by authority of the Fathers, ecclesiastical revenues are appropriated to the *church*—to the *clergy*—and to the *poor*, and ought not to be diverted to other uses without the authority of the Universal Church.† But, though the clergy

* Matthew Paris in 1226.

† Math. Paris in 1240. We subjoin the words, as the last clerical manifestation in favour of the tripartite division. Cum ex auctoritatibus patrum sanctorum fructus ecclesiarum in certos usus, puta, ecclesiæ, mi-

murmured, remonstrated, and threatened resistance, they were in the end compelled to submit. Harassed and impoverished by these exactions, they seem to have turned their eyes towards the laity; and, finding no means to pay Peter but at the expense of Paul, to have resorted to the expedient of throwing on the shoulders of their parishioners the burdens which they had hitherto borne on their own. About the middle of the century, when most oppressed by the demands of their spiritual Father, they seem to have fallen upon this scheme, and, before the end of the century, they had successfully established their usurpation. When the clergy of the present day lament, as some of them do, the loss of soul-shot, plough-shot, light-shot, church-shot, and other ecclesiastical dues paid by the Saxons (though many of them still exist under other names), they ought to recollect, that they are also liberated from the payments to Rome, which fell at times with such oppressive severity on their predecessors. The demand of the Papal Legate from every clergyman was on one occasion not less than one-third of his income if he was resident, and one-half if he was non-resident.* The clergy, it is true, still pay annates and first-fruits as in Papal times; but they are well aware that (by whatever artifice it was effected) these payments, in their real amount, no longer correspond, as they anciently did, to their nominal designation.

It is not to be supposed that the laity submitted quietly to these innovations; and for some time they had an effectual remedy in their hands, which they failed not to use with good advantage. When the Conqueror separated the ecclesiastical from the secular courts, he necessarily reserved to himself and to his successors the right of determining what pleas were of a temporal and what pleas were of a spiritual nature. If the Church courts exceeded their jurisdiction, by bringing lay pleas before them, application was made to the Court of King's Bench, where, by intendment of law, the King is supposed to be always present, and personally to exercise his authority. If proper cause was shown, a prohibition was granted to stop the proceedings of the ecclesiastical courts; the disobedience of which, to the no small indignation of the clergy,† was followed

nistrorum et pauperum sint deputati, non debent in alios usus converti, nisi auctoritate ecclesiæ universalis.

* Matth. Paris in 1246.

† Wilkins' Con. i. 723—730.

by attachment and imprisonment. To this remedy the laity had recourse, when called upon to repair churches and enclose churchyards; and, if we are to judge from the complaints of the clergy, they found it effectual. In 1257, soon after these innovations began, the whole body of the prelates joined in a public remonstrance to the king and magnates, stating that, when they summoned persons before them for refusing to enclose churchyards, or roof churches, a prohibition was obtained from the common law courts, to the injury and disparagement of the church.* No effect seems to have followed from this remonstrance. The pious and devout most probably submitted without opposition to this new device of their spiritual directors. The malignant, as they are termed by the clergy, continued to apply for prohibitions with success. Among the articles of complaint exhibited by the Archbishop of Canterbury and his suffragans in 1285, it is stated as a grievance, that, when the Ordinary attempts to compel the rich and powerful to repair churches, or discharge other customary parochial duties, he is met by a prohibition from the courts of law.†

The effect of these prohibitions was to stop the proceedings that had been instituted in the ecclesiastical courts; and the object of the laity in applying for them was doubtless to save their money, without exposing themselves to the spiritual censures, which would otherwise have followed their disobedience. The Attorney-General‡ has accordingly described them as interpositions of the courts of common law ‘for the protection of refractory parishioners.’ Dr Nicholl§ finds fault with this expression; and maintains they were issued by the courts of law, not for the protection of refractory parishioners, but ‘for the assertion and vindication of their own jurisdiction.’ What were the motives of the judges for their interference, is a question as unimportant as it is incapable of solution. The real point for consideration is, what was the effect of the prohibitions they granted? That it was to arrest all farther proceedings in the action that had been raised, and thereby protect the refractory parishioner from the spiritual censures he must have incurred, if he persisted in his disobedience, Dr Nicholl cannot deny. That it left him still exposed to prosecution at common law for refusing to comply with the demands of the church, is a proposition which the learned civilian rather insinuates than asserts,

* Wilkins' Con. i. 728.

† Ib. ii. 117.

‡ Letter to Lord Stanley, 4.

§ Observations on the Attorney-General's Letter, 17.

and which, we apprehend, he would find it extremely difficult to prove. If the courts of common law, after prohibiting the spiritual courts from going on, had claimed for themselves and exercised a right of compelling refractory parishioners to repair their churches and churchyards, there must have remained some evidence of the fact, some traces of the law. Cases, we presume, there are none; as Dr Nicholl has not referred to any. Law authorities there are none. In Bracton we find nothing on the subject. In Britton, we are told that the repair of churches and churchyards are pleas of which Holy Church alone has cognizance. But if there is neither precedent nor authority for the supposition, that, after a prohibition which stopped proceedings in the spiritual court, the defendant was still liable to prosecution in the courts of common law, what ground is there for objecting to the statement of the Attorney-General, 'that the courts of common law interposed for the protection of refractory parishioners?' Did they not interpose by prohibition, and was not that prohibition an effectual protection to the defendant? If it had been otherwise—if the effect of the prohibition had been merely to transfer the cause from the spiritual to the temporal courts, it is not easy to conceive why the *divites et maligni*, who refused to pay rates, persevered for so many years in applying for prohibitions that were of no use to them; and, if the payments demanded could be obtained at common law, it is equally difficult to understand how the bishops could have ventured to say of these prohibitions, that they impeded the service and detracted from the honour of the Church.

This contest between the common law and ecclesiastical courts was not brought to a close till the reign of Edward I. By his writ of *circumspecte agatis*, which has been long held to be one of the statutes of the realm, that prince defined the limits of temporal and spiritual jurisdiction, the unsettled boundaries of which had, in that very year, been the subject of remonstrance from his clergy. By that writ, the judges are forbid to punish bishops for holding pleas of things merely spiritual; among which are included pleas for leaving churchyards unenclosed, or for leaving churches unroofed or insufficiently decked. It imposes no additional burdens on the subject, and confers no coercive powers on the spiritual courts which they had not before. It does not recognise, as Mr Hale seems to imagine, the obligation of laymen to uphold churches; but, by divesting refractory parishioners of their former remedy, when called upon by the ordinary to perform that service,—by depriving them of the protection they formerly received from the courts of common law,—it left them exposed, without resource, to the severity of

ecclesiastical censures, if, in matters pertaining to the spiritual courts, they were disobedient to ecclesiastical authority. Fortified by this writ, which took from the courts of common law all right of interference with the pleas reserved for their exclusive jurisdiction, the clergy found no farther obstacle to their pretensions, nor means of resistance to their demands. Assessments for the reparation of churches, and other parochial burdens, continued to be in form voluntary grants of the parishioners; but, if the proposed assessment was rejected by the vestry, or if any individual refused to contribute his *quota*, spiritual censures, with all the consequences which then attended them, were ready at hand to enforce a prompt and entire submission. Since the Reformation the case is altered. The censures of the church, like the thunders of the Vatican, have lost their efficacy. Whether they can be revived and again made formidable, is a doubtful question. Dr Nicholl seems disposed to try it.

In his 'Letter to Lord Stanley,' the Attorney-General has entered into a full examination of the measures which have been proposed for enforcing, by proceedings in the courts of law, the assessment and exaction of a Church Rate, where it had been rejected and refused by a vestry regularly summoned to take it into consideration; and, after discussing the various projects that have been suggested, he arrives at the important conclusion, 'that a legal Church Rate can only be made by a majority of the parishioners in vestry assembled; and that if they meet and refuse to make a rate, there are no means by which a rate can be raised.' The same doctrine is held by Mr Perceval. 'Rates, up to this hour,' says that reverend gentleman, 'are a voluntary contribution on the part of the parish, to which, if they refuse, there is no earthly power to compel them.' Dr Nicholl, on the other hand, attempts to prove 'that, from time immemorial, the parishioners have been under a legal obligation to provide the means for sustaining the fabric of the church, and for the decent celebration of divine worship therein;' and having established, as he thinks, that liability, he contends there must be a 'legal remedy' to enforce it. 'It is enough for my purpose,' says the learned civilian, 'if I can show that the repair of the church is, by the common law of England, *per consuetudinem Angliæ*, thrown upon the parishioners, and that that repair was effected, from time immemorial, by a rate levied on the parishioners.'

To this statement, which contains the essence of Dr Nicholl's argument, we reply, that the common law of England is unquestionably founded on custom, but not on such custom as in the spiri-

tual courts would be held sufficient.* It is on good and lawful custom that the common law of England is founded, and not on bad custom; which, according to an 'established maxim of law, 'ought to be abolished and no longer used.' The custom, which Dr Nicholl attempts to foist into the common law of England, we maintain to be a bad custom, for the reasons that follow.

1. To make any custom at common law good, 'it must have 'been used so long that the memory of man runneth not to the 'contrary, so that if any one can show the beginning of it, it is 'not a good custom.'† But we have shown that, since the accession of Richard I., which is the beginning of legal memory, churches were repaired and the expenses of worship defrayed, not by the parishioners, but out of ecclesiastical funds dedicated to these purposes, which are still enjoyed by the clergy, or by lay impro-prietors.

2. A custom to be good at common law, 'must have been 'peaceable and acquiesced in, not subject to contention and dis- 'pute.'‡ But we have shown that, till the writ of *circumspecte agatis*, the reparation of churches by parish rates was frequently contested by parishioners; and, with the aid of prohibitions from the common law courts, successfully resisted.

3. Customs to be good, 'must be compulsory, and not left to 'the option of every man, whether he will use them or not.'‡ But, ever since rates have existed, it has been left to the parishioners assembled in vestry to determine what rate they will impose, and subject to the liability of ecclesiastical censure, whether they will impose any rate at all.

The custom alleged by Dr Nicholl wants, therefore, the essentials of a good custom at common law, and, if it cannot be enforced by spiritual censures, the courts of common law are not bound to enforce it. Not being a good custom, there is no legal liability in the parishioners. They are bound by law to meet and consider whether they will grant a rate, and to what amount.

* 'The reason,' says Lord Holt, 'for which the spiritual court ought not to try customs is, because they have different notions of customs, as to the time which creates them, from those that the common law hath. For in some cases the usage of ten years, in some twenty, in some thirty years, made a custom in the spiritual court; whereas by the common law it must be for time immemorial. And, therefore, since there is so much difference between the laws, the common law will not permit that court to adjudge upon customs, by which, in many cases, the inheritance of persons may be bound.'—BURN'S *Ecclesiastical Law—Prohibitions*, § 6.

† Blackstone, i. 76.

‡ Ib. i. 78.

Having met, they may grant what they please, or refuse to make any grant at all. As the House of Commons may be compelled to meet by the King's proclamation, so the vestry may be made to assemble by summons from the churchwardens. When met, whether the attendance at the vestry be numerous or scanty—whether the House of Commons be well or ill attended, provided there is a sufficient number of members to form a House—they are competent to transact business, and may grant or refuse supplies at their discretion. If a majority of the parishioners, who have been legally convened, and who have met in vestry, agree to impose a Church Rate on the parish, their assent is binding on the whole body of the parishioners. But, if they dissent, and refuse to tax themselves, there is no tribunal that has power to coerce them.

That, in the darkness of the thirteenth century, the ignorant laity should have been partly cajoled and partly terrified into an acquiescence in these clerical usurpations, is not surprising. But, when it is considered that, at the dawning of the Reformation, the old canons and laws of the Universal Church still lived in the remembrance of many, it is extraordinary that the abuse was not corrected. Not to speak of a petition of the Commons in the reign of Henry VI., which recites, 'as oold custome was, 'that thyrde parte of the goodes of Holy Chirche should be 'spendyd within the same parochie upon the pore and the nedy 'of the parochie; * so late as 1509, we find Edmund Dudley, the noted minister of Henry VII., a lawyer of no small eminence, calling on the clergy to employ 'the profyts and revenues of thir benefyts as thei by thir owne laws are bound to 'do, that is, one part therof for thir owne lyving in good household hospitalitie. The second, in deedes of charitie and almes 'to the poore folkes, and specially within thir dioces and cures 'where thei have thir lyving, and the third part thereof for the 'reparying and building of thir churches and mansyons.' Dr Nicholl asks, with great simplicity, why, if these laws were binding on the clergy, they were not compelled by 'due course of law' to fulfil them. He forgets that, by the writ of *circumspecte agatis*, the common law courts could not interfere in these matters; that the courts Christian were in the hands of the clergy; and that Dudley's exhortation was merely an *argumentum ad verecundiam*, which made no impression on the clergy so long as there was no pecuniary penalty to enforce it.

The negligence of the Reformers in not calling on the clergy

* Rolls of Parliament, iv. 290.

to discharge the ancient obligations, to which, as Dudley observes, they were still liable by their own laws, is one of the many proofs, that the persons who at that time directed the affairs of State were more solicitous to partake in the spoils of the Roman Catholic Church than to relieve their poorer countrymen from the burdens she had imposed. Having taken from the church what they could turn to their own profit, and conceded as little as possible to the religious zeal of the sincere reformers, they retained as much of her ceremonies and hierarchy as the impoverished state to which they had reduced her would admit, and left the bulk of the people subject to all the impositions she had introduced.

There is still one point of this controversy which we have not touched upon. In a very intemperate and malignant publication, addressed to the ignorant and uneducated classes of the community, some anonymous defender of Church Rates, amidst many other unfounded allegations, asserted, that the Church-Scot of the Saxons was the same as our present Church Rate. The author of the 'Historical Remarks' has shown how utterly groundless was this assertion; and Mr Hale not only admits that, on this point, he has made out his case, but expresses his own regret that the advocates for Church Rates had rested any part of their argument on so baseless a foundation. Still, however, he appears to cling with a longing and affectionate regard to the doctrine he is compelled to abandon; and, after attempting to vindicate, as was most necessary, the moral character of its anonymous propagators, he seems inclined to the opinion, that Church-Scot, though not the same, was something akin to Church Rate; that it was a contribution, if we understand him rightly, for the fabric of the church, and not for the sustenance of the clergy. All we can do is to refer him to an ordinance of Athelstan, in which he will find Church-Scot, Soul-Scot, and Plough-alms classed together, and ordered to be rendered to the holy places where they are due, and to be there enjoyed by those who are willing to serve their churches; that is, by the resident clergy.

Since the preceding observations were written, there has been an attempt to exact a Church Rate in the parish of Brain-tree, in Essex, imposed by the sole authority of the churchwardens, after the rate had been rejected by the parishioners duly summoned and assembled in vestry to consider of it. Application has been made for a prohibition from the Court of

Queen's Bench ; and, during next Hilary term, the validity of the rate will be there tried.

It would be presumptuous in us to obtrude any opinion of ours in a case which will be argued by the first legal abilities, and decided by the highest judicial authorities of the realm. We shall, therefore, content ourselves with a simple recapitulation of the conclusions to which we have been led in our historical examination of the subject. We have shown,—

1. That in England, as in other Christian states, churches were for many centuries repaired, and the expenses of religious worship defrayed, out of ecclesiastical funds set apart for these purposes ; which funds are still enjoyed by the established clergy, or by lay impropietors possessed of what was formerly church property ;

2. That churches continued to be repaired, and the expenses of public worship to be defrayed, out of these funds, *after the commencement of legal memory*, and, consequently, that no subsequent custom, introduced by the ecclesiastical courts, can create a liability at common law, imposing on parishioners the obligation to discharge these burdens ;

3. That no statute law has imposed these burdens on parishioners ;

4. That although for ages churches have been repaired, and the expenses of public worship defrayed by Church Rates, this has been done by voluntary assessments, made from time to time, as occasion required, by the churchwardens and a majority of the parishioners assembled in vestry, and in no other way ;

5. That spiritual censures are the only means of coercion which the wisdom of the law has intrusted to ecclesiastical courts.

To these conclusions we may add (what is admitted on all sides), that when the ecclesiastical authorities have attempted to impose Church Rates on a refractory parish, by appointing commissioners to rate and tax the parishioners, their attempts have been repudiated, and their commissions declared illegal by the courts of law. The substitution of churchwardens for commissioners appears to be no less an encroachment on the ancient right of the parishioners to assess themselves ; and, after the judicial declarations of Lord Lyndhurst and of Baron Baillie from the bench, there seems no ground or pretext for this novelty.

ART. III.—*Narrative of an Expedition into the Interior of Africa, by the River Niger, in the Steam-Vessels Quorra and Atbarah, in 1832, 1833, and 1834.* By MACGREGOR LAIRD and R. A. K. OLDFIELD, surviving Officers of the Expedition. 2 vols. 8vo. London: 1837.

IT is a remarkable fact that the quarter of the world in which are found the most ancient monuments of civilized society, is that also which continues longest to defy the curiosity of man. Inscriptions remain which record the triumphs of the Egyptian Pharaohs nearly four thousand years ago, over Ethiopian tribes as far south as the junction of the White and Blue Rivers. At the present day our knowledge of the Ethiopian tribes extends further, perhaps, than that possessed by the Pharaohs; yet how limited is it, how indistinct and stationary, compared with every other branch of human enquiry! Not more than three centuries and a half have elapsed since the new world was discovered: within fifty years after the discovery of America, that immense continent was almost completely circumnavigated, and its coasts were delineated with wonderful accuracy, considering the resources of that age. European colonies then flowed in upon it, bringing with them the seeds of civilisation, and a new world really arose where a chaos only had been discovered. How different has been the fate of Africa? Cradling, as we have observed, four or five thousand years ago a civilisation which, though changed or obscured, has never been wholly obliterated, that portion of the globe is still but little known!

The obvious cause of our ignorance of the African continent, is the nature of the country, which presents, towards the quarters whence European travellers were most likely to arrive, obstacles not insurmountable indeed, but yet sufficient to exhaust a traveller's ordinary means, and to turn aside the current of ordinary curiosity. An immense burning desert, from six hundred to one thousand geographical miles in width, stretches from the Atlantic ocean to the Red Sea, interrupted only by the narrow valley of the Nile. The crossing of so broad a tract of parched inhospitable sand, affording neither shelter, food, nor water, is a dangerous and extremely disagreeable task, even at the present day; but in ancient times, before the camel species had been multiplied so far westward, it must have been nearly impracticable. The barbarousness of the natives has been often alleged as one cause of our imperfect acquaintance with Africa, but without due consideration. The fact is, that those natives, so far from being avoided, have been from the earliest times a chief article of commerce with those

nations who had the opportunities of approaching them. The same peculiarities of physical constitution which prevented strangers from penetrating to the interior of that continent, condemned its aboriginal possessors to comparative barbarism, by debarring them from mixture and varied intercourse with the rest of their species; by reducing their social condition in some measure to a state of torpor; and by confining their experience wholly to the torrid zone, where nature, too vigorous to be controlled or coped with by infant art or industry, so easily keeps the upper hand.

It must not be supposed that the ancients had any knowledge of the country south of the Sahrá or Great Desert. Herodotus distinctly tells us that Lybia extends towards the south into immeasurable deserts. It was through this desert that the Nasamones, travelling westwards, arrived at a river, evidently the Niger, or more correctly Nigir, of subsequent writers. We are told by Strabo, Pliny, and their followers, that the Nigritæ, who took their name from that river, were situate between the Garamantes and the Gætuli, that is to say, between Fezzan and Morocco; and lastly, Ptolemy very clearly fixes the sources of the Nigir in the chain of Atlas, uniting, by a contrivance familiar to the first efforts of systematic geography, all the streams which flow from the southern face of those mountains into one goodly river. On this river he places *Nigira Metropolis*, which most modern geographers have agreed to consider as the Timbuctú of the present day; without troubling themselves with the question whether the origin of Timbuctú be not comparatively recent. Their supposition, however, obliges them to admit that Ptolemy has entirely overlooked the Great Desert—a remarkable oversight, truly, in one whose exactness in details of longitude and latitude, in the midst of enormous pervading errors, is so strenuously vindicated by his interpreters, when it serves their purpose to do so.

The Greek and Roman geographers have been sadly misquoted and misconstrued in reference to the interior of Africa and the river Nigir; and if our space or plan permitted such a digression, we could easily show from their own words, that they meant to place that river on the northern side of the Great Desert. But we shall be satisfied with citing two very explicit passages. Pliny, who is much relied on by those who maintain that the Nigir of the ancients was south of the Sahrá, relates, on the authority of King Juba, that the Nigir, after sinking in the sand, rises again and flows into the Nile. Now mark the terms in which he commences this statement: 'The Nile,' he says, 'rises in Lower Mauritania, not far from the sea.' The same author is contented to cite Homer in support of the opinion, that beyond the Great Desert dwelt the Ethiopians or Blacks. Again; Strabo

lets fall the following significant expressions: 'The tribes that dwell in Lybia (that is in the Desert), are but little known: they are seldom visited by strangers; and the few natives who ever come to us from any distance have but scanty information, and that not always credible. This, however, is the sum of their accounts. The people who are farthest to the south they call Ethiopians (or Blacks). Below (that is nearer than) these, the most considerable tribes are the Garamantes, the Pharusii, and the Nigritæ; and next to these the Gætuli.' Does not this passage teach us very clearly to distinguish between the country of the Nigritæ, or of the Nigir, and that of the Ethiopians or Blacks in the remotest south?

In the seventh century, the Arabs first began to figure conspicuously on the stage of African affairs. Animated and united by religious enthusiasm, they conquered Egypt, whence their victorious progress extended rapidly towards the south and west. Themselves children of the Desert, inured to the hardships, and acquainted with all the resources of nomadic life, they easily and naturally bent their steps over those trackless wastes which looked so forbidding to the inhabitants of Greece and Italy. They penetrated in a short time to the Ber-es-Sûdan, that is, the country of the Blacks or Negroland, of which they are entitled to be considered by us as the first discoverers. Even at the present day, after the persevering efforts made of late years, chiefly by the British, with the sacrifice of some valuable lives, for the purpose of penetrating the mysterious regions of Central Africa, there are many gaps which we are obliged to fill up entirely from the Arab writers.

The Arabs, as masters of the camel, were eminently qualified to explore a wide extent of desert country, but as writers they had little merit. They are too often dry and obscure, passing over, with the fewest words, the matters of greatest interest. There is, however, but one of their defects which needs to be animadverted on in this place. They were servile followers of Ptolemy; they copied even when they had the means of correcting him. Moreover, they often borrowed his opinions without citing his authority, and thus kept error in countenance, by appearing to be independent testimonies, when they were only repeating at second hand. Among the names which they borrowed from him was that of the Nigir, which they applied of course to every considerable river met with in Negroland. Supposing, in the spirit of ignorance, that all the great streams of Central Africa, with which they had some acquaintance, but of which they knew neither the beginning nor the end, were connected together, so as to form one watery coil across the African conti-

ment, from the Senegal to the Nile of Egypt, they gave to that hypothetical river, or to its several parts, with no great constancy, the name of Nigir. So long as the geography of Central Africa was wrapped in darkness, the errors of a too eager curiosity in seeking for the Nigir might be easily excused. The authority of ancient authors misunderstood, and the intrinsic wonders of the river itself, uniting, as was supposed, the waters of Western Africa with the Nile, were sufficient to dispose to credulity. But now the delusion is dispelled. We know that the great river of Negroland, the Quorra, neither sinks in the sand nor joins the Egyptian Nile, nor bears any resemblance to the Mauritanian river mentioned by the ancients; and we cannot avoid smiling at the pertinacious misapplication of a name, which entitles the exploration of a river flowing into the Bight of Benin, 'an expedition into the interior of Africa *by the river Niger*.'

The erroneous estimate formed of the knowledge which the ancients possessed of Central Africa has had occasionally its influence, no doubt, in stimulating the moderns to prosecute the discovery of that region; and on that account, as well as for the sake of deprecating the continuance of an absurd misnomer, we have made the foregoing remarks on the river Nigir. We shall now proceed briefly through the chief epochs of African discovery, till we arrive at the occasion of Mr Laird's expedition.

The discoveries of the Portuguese in the fifteenth century along the coast of Guinea, naturally directed attention to the unknown interior of Africa, and much information was collected in consequence. Some of the Portuguese adventurers penetrated a considerable way up the country; and one of them, named Fernandez, seems to have taken the same route which was subsequently trodden by Mungo Park. Under ordinary circumstances the discoveries made on the coast would have led to others further inland, until the whole country would have been at length laid open. But with the tide of events the curiosity of the European world was carried impetuously in another direction. The discovery of the Passage to India by the Cape of Good Hope, and soon after that of America, irresistibly seized on the minds of men, and all minor discoveries were lost sight of or completely extinguished in the splendour of these. There was a general rush to the Indies, first eastwards, afterwards to the west; and the current of popular enthusiasm continued long to run violently in the latter direction. Thus a general ardour, of which the world has never seen a second example, poured a flood of voluntary colonization into the new world, while the slender garrisons requisite for the maintenance of the Portuguese settlements on the coasts of Africa were re-

crucited with difficulty. But the inferior, and, as we may say, menial character of these settlements, was fully established when they began to owe their chief importance to the number of slaves which they annually supplied to the infant communities in the west. As their slave-trade increased, the African colonies of the Portuguese lost the respect and attachment of the natives. Studiously scattering disunion, and loosing the feeble bands which held African society together, they caused it to relapse into barbarism. They diffused a moral poison around them, and in so doing dried up the true sources of their own prosperity.

We shall not enter into a lengthened comparison of the Portuguese settlements on the eastern and western coasts of Africa with those on the shores of the New World, which received the largest influx of adventurers. We believe that on the coast of Africa, near the equator, the luxuriance of nature is exhibited on a scale much more easily comprehensible than in America. In Sofala, on the banks of the Zambézi, and in some parts of Angola, the soil possesses inexhaustible fertility. The country behind Sofala was famous for its gold, that great exciter of mankind; and, in short, we find that intertropical Africa was described by those who first visited it in terms fully as rapturous and glowing as were ever applied to the scenery of South America. Why then did so many thousands crowd to the shores of the New World while those of Africa were wholly neglected? The chief cause unquestionably was that popular enthusiasm, hurrying to the furthest east or remotest west, was unable to stop short of its proposed goal. At a time when every adventurer dreamt only of conquering kingdoms, and industrious plantations were never thought of, there was nothing to be effected by solitary efforts; and every movement took the direction of the popular delusion. Had the shores of Africa chanced at that time to rise into vogue, and to attract annually some hundreds of armed desperadoes, led by the needy offshoots of European chivalry, we believe that no obstacle, physical or moral, would have been found to resist their progress; and that in thirty or forty years, an ardour like that which first led the Spaniards across the Andes, and launched Orellana on the river of Amazons, would have completely explored, in a general way, the interior of the African continent. But that enthusiasm is now passed away, and we can with difficulty form an idea of the strong impulse necessary at first to support the courage of men in the poisonous plains of Vera Cruz, or the endless forests of Paraguay. On the other hand, the interior of Africa remains undiscovered; and we, forgetting what man can do and has done, indolently conclude that it is undiscoverable.

Accident and circumstances extraneous to the nature of Africa turned aside from that continent, in the sixteenth century, the tide of European enterprise. Some causes, perhaps, operated permanently to diminish curiosity respecting it; and among these we are disposed to reckon a blind respect for the authority of the ancients. When the Portuguese had penetrated to the remotest parts of Abyssinia, they could not fail to perceive that they had not yet discovered the fountains of the Nile as described by Ptolemy. On the eastern coast of Africa they received accounts of a great lake in the interior, from which issued many rivers. On the western coast again this statement was confirmed. They concluded, therefore, that the great lake, so well known on both sides of the continent, was the eastern source of the Nile indicated by Ptolemy; and accordingly they felt no hesitation in uniting their discoveries along the coast,—considerably exaggerated in inland extent,—to the geographical data of Ptolemy, which occupied the middle of the map. The consequence was, that the map of Africa, in the sixteenth century, was completely filled up, while its chief errors appeared to rest on incontrovertible authority. All the great rivers of the continent were made to flow from Lake Zambre, as the inland sea was called. The empires of Abyssinia, Monomotapa, and Congo all met together; and no blank space was left of sufficient magnitude to awaken curiosity.

The Jesuit missionaries in Abyssinia, who were many of them well-informed men, were yet so little aware of the great extent of the unknown interior, as to state seriously and in good faith, that the salt conveyed across the western frontier of Abyssinia, was carried to Timbuctú and the country of the Jaloffs.

In the middle of the seventeenth century, one of the missionaries in Congo (P. Bonaventura d'Alessano) had made up his mind to travel through the interior from that country to Abyssinia, but died of fever before the permission of his superiors arrived from Rome. One of the most curious illustrations, however, with which we are acquainted, of the erroneous opinions of that age respecting the interior of Africa, is furnished by the draught of a letter from James I. to the Emperor of Abyssinia, preserved among the Cotton MSS. in the British Museum; and which, from its style and spirit, we should suppose to have been dictated by the learned monarch himself. A principal object of it seems to have been to recommend to the Emperor a certain Robert Junius; probably the same who resided ten years in the Isle of Formosa in the beginning of the seventeenth century, teaching his heresies to the natives, as the Jesuits express it. He was one of the most successful, as well as earliest of the

Protestant missionaries in the east, a circumstance sufficient to ensure him the regard of King James; and it is not unlikely that on his return from Formosa the plan was entertained of sending him to resume his labours in Abyssinia. The letter begins in an inflated manner, declaring that some secret impulse urged the King to send a messenger to his Abyssinian Majesty, 'from the very bounds of the ocean to the fountains of the Nile, from the far north to the distant south, from Britain to Ethiopia,' &c. After a long and complimentary exordium, the King at last proceeds, in a business-like strain, requesting 'that his subjects may be allowed to visit every part and province of the Abyssinian empire, to sojourn, deal, buy, sell, and exercise every lawful profession therein, so that after having, by frequent voyages to Turkey, Persia, China, and both Indies, united the east to the west in close commercial intercourse, they may also, leaving nothing unattempted, join in like manner the north and south.' He then begs to know what merchandise is best suited to the Ethiopian market, offering swords, guns, cloth of the best quality, and hard wares of all kinds. He particularly desires also that Robert Junius may be allowed to examine the great library 'on the Mountain Amhara,' and to make a catalogue of the books, and especially of the works of the early Fathers of the Church.* But the following is the most characteristic passage: 'Since,' observes the King, 'we cannot trade with you by land, on account of the difficulty of the journey, the great extent of the Desert, the distance between the towns, &c., explain to us amply in your reply what is best to be done, and how we can most safely reach you with our ships, whether from the west, by the river Zaire, in Manicongo; or from the east, by Quiloa and Mozambique.' Thus it is evident that in the earlier part of the seventeenth century, European nations were much less sensible of their ignorance of Africa than they are at the present day.

Timbuctú long continued an object of anxious curiosity on account of its reputed trade in gold. Its commerce, however, declined, as that on the coast of Guinea increased; and, in the eyes of Europeans, its relative sunk even faster than its real importance, from the great development of the commerce with India and the New World. Yet, from that seeming undulation in the progress of human ideas, which brings back at regular inter-

* Respecting this fabulous library, it is necessary to remark, that it was said to be composed of volumes saved from the libraries of Jerusalem, Alexandria, Constantinople, and Antioch!

vals exploded opinions, Timbuctú again rose into consideration ; and for many years back the efforts of Europeans (chiefly of the British) in the exploration of Central Africa, have been almost wholly directed to two objects, namely, Timbuctú and the Nigir. The exertions thus made to solve questions in some measure of a speculative nature, as they commenced by confronting the greatest difficulties, were attended of course with much disappointment. They had the same injurious effect on the zeal of geographers which the squaring of the circle and trisection of the angle have had on the industry of mathematicians ; yet perseverance, even on a bad system, is never wholly unsuccessful :—Denham and Clapperton, crossing the desert from Tripoli, reached Bornú, in Negroland. They appear to have been very unskilful observers, and there is reason to suspect that the countries visited by them have been placed in our maps, on their authority, at least one degree too far eastward.

Clapperton obtained such information from the intelligent Fellatah Sultan at Sockatoo, as convinced him that the Great River of the interior (the Quorra) descended towards the sea in the Bight of Benin. In his second expedition, therefore, he proceeded from Badagry, on the slave coast, north-eastwards—crossed the Quorra near Boussa (where Mungo Park had perished, after descending the stream from Sego)—and arrived at Sockatoo, where he soon after died. His enquiries, however, and those of his servant Lander, left no doubt as to the course of the river. Accordingly, Lander, having, acquired a considerable knowledge of the country, was sent back to make the conclusive experiment, and embarking on the Quorra at Boussa, he descended the river in safety, and, after a variety of adventures, reached the sea by the Nun branch.

‘ It will excite no surprise,’ says Mr Laird, in the narrative of his expedition, ‘ that the splendid discovery of Lander was hailed with, if possible, more enthusiasm by mercantile than by scientific men. The long sought for highway into Central Africa was at length found, as open by the Niger as that by the Rhine, the Danube, the Mississippi, or the Oronooko is into their respective countries. To the merchant it offered a boundless field for enterprise ; to the manufacturer an extensive market for his goods ; and to the energy and ardour of youth, it presented the irresistible charms of novelty, danger, and adventure.’—(Vol. i., p. 2.)

After enumerating the motives of a humane and religious nature, which may be supposed to have actuated the promoters of an expedition up the Quorra, Mr Laird thus proceeds :

‘ Urged by such considerations, the author, in conjunction with several other gentlemen of Liverpool, determined to form a company, whose first object should be to open a direct communication with the interior

of Africa ; and if this were successful, to establish a permanent settlement at the junction of the Tchadda and Niger, for the purpose of collecting the various products of the country.—(Vol. i., p. 4.)

Mr Lander being consulted, readily consented to embark in the enterprise, and confirmed the most sanguine expectations of the company by the assurance that ivory, indigo, and other valuable produce, could be collected up the country in any quantity at a trifling expense. It was resolved accordingly to fit out two steam-vessels, of light draught of water, to ascend the river, whilst a sailing vessel waited at its mouth to receive the cargoes. The larger steam-vessel, the Quorra, had a length of a hundred and twelve feet, with an engine of forty horse-power. The smaller one, named the Alburkah (more correctly Albarakah, an Arabic, and not, as Mr Laird supposes, a Houssa word, signifying the *Blessing*, or the *Goodluck*), was only seventy feet long, with an engine of sixteen horse-power, and formed the test of a very bold and interesting experiment ; being, with the exception of her decks, wholly constructed of wrought iron.

‘ That such a vessel,’ says Mr Laird, ‘ would be invaluable in river navigation, we were quite aware ; but whether she could withstand the wear and tear of a sea voyage of four thousand miles, was at best problematical. The result has added another to many proofs, that a theory fairly grounded on scientific principles may safely be brought into practice even against the advice and opinions of those who are generally supposed to be the most able to give the one or to form the other. Never were men more ridiculed than the gentlemen of the company when fitting out this vessel for her voyage to Africa. It was gravely asserted that the working in a sea-way would shake the rivets out of the iron of which she was composed ; the heat of a tropical sun would bake alive her unhappy crew as if they were in an oven ; and the first tornado she might encounter, would hurl its lightnings upon a conductor evidently sent forth to brave its power. But what was the actual result ? In spite of these wise opinions her rivets are yet firm in their places, as the fact of her not having made a cupful of water sufficiently proves. Being in herself a universal conductor, she was always at the same temperature as the water in which she floated ; and, for the same reason, though the lightning might play round her sides, it could never get on board of her.’—(Vol. i., p. 6.)

The expedition, consisting of the two steam-vessels and the Columbine, a brig of two hundred tons, departed from Liverpool on the 19th July, 1832. It had been previously joined by Lieutenant W. Allen, R.N., for whom the Admiralty had requested a passage in one of the vessels, for the purpose of surveying the river. There are few British merchants, we believe, who would have refused a request so moderate in itself, and made with a view so conducive to public advantage ; and we confess ourselves unable to

comprehend why Mr Laird should claim for the company, who granted it on condition that Lieutenant Allen should not divulge the results of the voyage without their express permission, the praise of peculiar liberality. It might be conjectured, from the passage in Mr Laird's narrative to which we allude, that the generosity of the company consisted not in exemption from, but in the successful suppression of petty grudges, and of the mortification of patronage withheld. Before leaving port, the crew of the Quorra were assembled on deck; they were all picked men; 'and little did I think,' observes Mr Laird, 'as I beheld their athletic and powerful frames, that in a few months the only survivors of us all would be myself and three others.'

Though the events of the voyage out do not properly lie within our scope, yet we cannot refuse ourselves the pleasure of glancing at a few of the more prominent objects on the way to Benin. The bad sailing qualities of the Quorra soon became manifest; and, together with the dangers of keeping near the shore for the sake of procuring fuel, were the sources of perpetual annoyance. But troubles such as these stimulate rather than subdue the spirits of men. A few years back, a small vessel, of twenty tons burden, was navigated from London to the Cape of Good Hope by two men and a boy. At Praya, in the Cape Verd Islands, Mr Laird found a small American schooner, with a crew of only two men and two boys, and was struck with their boldness in crossing the Atlantic Ocean in so frail a vessel. The islands were afflicted with famine, in consequence of want of rain; and the American captain, alive to the advantages of such a state of things, was going 'slick home' for a cargo of Indian corn, which 'he calculated would pay 'considerable if the starvation progressed.'

Mr Laird bears testimony to the merits of the Kroomen, a remarkable race, occupying the coasts near Cape Palmas, and much employed at present by the British shipping on the Guinea coasts. Their country being poor, they seek employment at Sierra Leone as woodmen or seamen, and, as they save money, vest it in wives in their own country, until at last, a sufficient conjugal estate being accumulated, they retire to the bosom of it, and live in idleness.

Of the American colony of Liberia, near Cape Mesurado, established by the Americans for free blacks, our author speaks in terms, we think, of rather too vehement condemnation. In his opinion, the colony was founded, not from humane intentions towards the blacks, but merely for the sake of relieving the United States from the dangers of a redundant slave population. He avers that the free negroes in America were first

made wretched by oppression, and then told that Liberia was a terrestrial paradise. An intelligent mulatto complained to him that he had been inveigled away under false pretences. Now, Mr Laird ought to have known, whilst he was thus imputing the foulest motives to plans of manifest benevolence, that the great majority of colonists, during the probationary years of new settlements, are of opinion, that they have been lamentably duped by themselves or others. Organized society has many advantages which the most prolific nature cannot at once supply or compensate; and if, as Mr Laird affirms, the site of Monrovia be ill chosen, and the colony ill situated, is not this an instance of a mistake of very natural and frequent occurrence, and which ought not to be lightly ascribed to sinister intentions? No benevolent foresight on the part of the founders of the colony could have saved free negroes from the inconveniences to which white men would have been liable under the same circumstances; and the former were less able to struggle resolutely with difficulties, inasmuch as embittered feelings rendered them unable to form a candid estimate of their situation, and to make themselves responsible for their own success.

The free negroes in Liberia are, we dare say, much less tormented by the natural disadvantages of their new home, than by the sentiments which they have brought with them from the opposite shores of the Atlantic. Conventional opinions, though well suited to the place where they have first grown up, often turn out mere weeds when transplanted. What would the free citizens of Liberia say to their swarthy brethren at Cape Coast Castle as they figure in the following passage?

‘On the day after our arrival, the Governor treated me to a drive in his light carriage. When the reader is informed that he drove four-in-hand, he must not imagine that horses are here meant. The Governor’s carriage of Cape Coast Castle was drawn by four negroes, natives of the soil, who tramped along right merrily, at the rate of five miles per hour. At first I was somewhat shocked at what seemed to me a little stretch of power; but discovered, that the honour of being put into harness in the Governor’s carriage was eagerly sought for by the natives, and that those who were selected for the service were objects of envy among their countrymen.’—(Vol. i. p. 49.)

On the 16th October, after a tedious and struggling voyage of three months, the Quorra steam-vessel arrived at the mouth of the river Nun, and was soon after joined by the other two vessels. Here, where the expedition might be properly said to begin, the first occurrences were all calculated to give rise to the gloomiest forebodings. The captain and the engineer of the Quorra, who had been taken ill at Cape Coast Castle, both died soon after they entered the river Nun. Sickness, with like

symptoms, manifested itself on board of the Alburkah. The Susan, a Liverpool brig, lying in the river, offered a melancholy example of the effects of a noxious climate. She had been lying there four months, ready for sea, but unable to proceed, the majority of her crew having died, and the survivors being too sickly and debilitated to work the vessel. 'It was remarkable,' says Mr Laird, 'that I had entered the river on my natal day; whether to think it a good or a bad omen, I knew not, but I found myself speculating now and then on where my next might be passed.'

On the 26th, the steam-vessels commenced the ascent of the river. In some places, avoiding the shoals of the main channel of the Nun, they made their way up lateral branches, not above thirty yards wide, and not without constant fears of being betrayed by their pilot. The country on both sides appeared to be an extensive swamp, covered with mangrove, cabbage, and palm-trees. No land, nor even mud, was seen for the first thirty miles, the mangroves alone marking the channel.

'The natives of this part of the river,' says Mr Laird, 'appeared to be very unhealthy. They were covered with scabs, ulcers, and Guinea-worms, and all kinds of cutaneous eruptions, which I was inclined to ascribe to their mode of living. They sleep generally in the open air; they drink vast quantities of spirits, of the very worst description; and their principal diet consists of various kinds of fish, from the alligator to ground sharks. The whole country seemed deluged with water, and the miserable wretches that dwell in it are dependent on the Eboe country for their subsistence; all their yams, bananas, plantains, and cassada are derived from thence.'—(Vol. i. p. 74.)

The river continually grew wider the higher it was ascended. The splendid African oak also, and wild cotton trees, began to appear on the banks. Hitherto the scanty population near the river had shown a pacific disposition; but, on the evening of the 1st November, Mr Laird received a note from Mr Lander, who was a short distance a-head in the Alburkah, informing him that the Eboes, inhabiting the village which they were approaching, had threatened to attack the vessels, and advising him to be on his guard. The hint was enough; the fire-arms on board the Quorra were immediately loaded; but Mr Laird himself must relate what followed.

While we were thus employed (in arranging the fire-arms) we heard the report of several shots, and, on going on deck, observed the whole dash on our left, which was the right bank of the river, and about seventy yards from us, in a blaze of musketry, which the Alburkah was returning. Mr Lander hailed me, and said he was going to drop down the river; but, on my offering to go between him and the fire, he sent

Louis, the Eboe pilot, on board. We immediately got under weigh, and the pilot faced the Quorra within pistol shot abreast of the town. I was much amused by the coolness and self-possession of this pilot. He could speak tolerable English; so I told him, if he ran us aground, the instant the vessel touched I would blow his brains out. The fellow laughed, and, opening his country-cloth, showed me the but-ends of two pistols; a gentle hint that two could play at that game. I gave directions for the guns to be loaded with round and canister, and in about twenty minutes we silenced the firing on shore.—(Vol. i. p. 83.)

The next morning hostilities were resumed, and the Quorra opened her fire with four four-pounders, and a twenty-four-pound swivel. But that was not enough; it was resolved to land and burn the town. Mr Laird, as he himself tells us, led the way. The landing was effected on a bank of mud, six feet high, 'the natives annoying us,' says our author, 'with musketry all the time, although they did no harm.' The roofs of the houses were set fire to, and the men regained their boats. The victory, it seems, was achieved solely by Mr Laird.

'The Alburkah's boat, with Mr Lander, had been detained, and having a strong current to pull against, did not join in the attack, but came up immediately afterwards.'

Mr Lander, according to our author's account, though slow to enter, was in a great hurry to leave the field of action.

'I had returned to the Quorra,' says Mr Laird, 'when I perceived one of the Alburkah's men standing under the bank in a narrow edge of mud. In the hurry of re-embarking he had been left ashore. I pulled back in the gig and took him off, but we had a narrow escape,' &c.—(P. 85.)

They had a narrow escape, it appears, the natives firing on them from a distance of only a few paces; yet, strange to say, not a man of the boats' crew was hurt, though they had been much 'annoyed' by the firing of the natives. Of the latter, three were said to have been killed, and four badly wounded. But this statement Mr Laird affects to disbelieve, and having told us that this unfortunate affair originated in a mistake, and was much to be regretted, he adds, 'I am in great hopes the expenditure was confined to powder alone.' We can hardly conceive how such a hope could have been entertained by the individual who burned the town, and fired round and canister-shot on its inhabitants. There was obviously a great expenditure of heroism to little purpose; and all will admit that, independent of the misconception in which the hostilities originated, it was a flagrant mistake to have recourse to such violent measures, without a moment's consideration, or apparent necessity for them.

In a day or two after this affair, the steam-vessels reached

Eboe, about a hundred and fifty miles up the river, near the head of the Delta, and the first place of importance met with in ascending from the sea. It was Obie, the king of this place, who had detained the Messrs Lander when descending the river for the first time, and sold them to King Boy, who dwells near the sea. It was deemed expedient to make show of some importance before this man-selling potentate. The gentlemen of the expedition accordingly arrayed themselves in all the finery they could muster. The Kroomen were dressed in kilts and velvet caps. Away marched the procession, beating drums and blowing trumpets, 'more like merry-Andrews than sensible people,' through a dense mob of Africans, the heat and stench of which was hardly supportable. On entering the royal residence they were conducted to a small court, in which was Obie's throne covered with a grass mat of very elegant manufacture.

'After waiting about ten minutes,' says Mr Laird, 'a side-door opened and in rushed Obie, a tall man with a pleasing countenance, dressed in scarlet cloth. He wore a cap made of pipe-coral on his head, much the same shape as the fool's cap of our schools; and thirty or forty chains of very large pieces of coral were passed round his neck and loins. He had also a great number of armlets and leglets of the same material; indeed, I should say, he had very nearly one hundred pounds value of coral on him. Poor Jordan was the first he saw, and rushing upon him at once, he gave him a most fraternal hug; then shaking hands with Lander and myself, he took his seat on the throne, placing us on each side of him. The interview lasted about a quarter of an hour, and I was much struck with the gentlemanly and agreeable manner of Obie.'—P. 96.

This chief expressed much surprise when he found that the strangers were not going to trade with him for palm-oil, of which article he is a great collector. He appeared remarkably intelligent, and evinced the most lively attention to the wants and comforts of his guests. The capital of his dominions is thus described by Mr Laird:

'The town of Eboe stands by the side of a creek running parallel with the Niger, and in the flooded season communicating with it at both ends. On a rough estimate, the town consists of eight hundred to a thousand houses; and allowing on an average six people to a house, will give the amount of population, two-thirds at least of which may be considered as under fourteen years of age. The inhabitants are the most enterprising and industrious traders on the Niger. The town itself, with its immediate vicinity, is unhealthy, owing to the swampy nature of the ground. We found but few old people of either sex, and a great number of young men, who appeared debilitated and aged.

'The staple trade of Eboe consists of slaves and palm-oil. The value of the former varies according to the demand on the coast; but the

average value of a lad of sixteen may be taken at sixty shillings, and that of a woman at something more.

‘Palm-oil is produced in immense quantities about Eboe, and is collected in small gourds, each capable of containing from two to four gallons, from which it is emptied into trade punchcons. Some of these, belonging to vessels in the Bonny, I saw in canoes at Eboe; but, generally, the gourds are taken in large canoes to a market-place on the Bonny branch of the Niger, which branch being dry in the dry season, the Eboe oil there finds its way through the Brass creek to the Bonny.’—(Vol. i. p. 102.)

Eboe is situated a little way below the head of the Delta, or the place whence the Bonny and Benin arms branch off to the sea. The Delta of the Quorra, or of the Niger, as Mr Laird styles it, extends up from the sea about a hundred and sixty miles, and along the coast stretches from Lagos on the west, to Calebar on the east. Through this Delta the Quorra discharges itself into the ocean by twenty-two mouths, the principal of which are the Benin, Warree, Nun, Bonny, and Old Calebar. It is rumoured, also, that a branch called Cross River stretches eastward to New Calebar. Of all these branches, the Nun alone has been as yet fully explored. Near Eboe it is 1000 or 1200 yards wide; lower down, near the sea, its width diminishes in some places, as we have seen, to thirty yards. An immense number of branches intersect the Delta in all directions, those running eastward from the Nun being in general very small, so as to be navigable only in canoes. The low country within the influence of the salt water is covered with mangroves, and higher up, by a dense jungle, in which the palm species is conspicuous. The scanty population of this low region is confined merely to the firm mud banks of the larger rivers. All the villages on the Nun from Eboe to the sea, according to Mr Laird, do not contain above four thousand adult inhabitants. The women and children are employed in collecting palm-oil; the men kidnap their neighbours, and devote their leisure hours to drinking rum and brandy of the worst description.

Above the Delta the river was nearly a mile wide, but full of shoals, and the Quorra soon grounded. The country around gradually assumed a more healthy and cheerful appearance; but, alas! the salubrious air, if such it may be called, was reached too late. The men preserved their health and spirits while inhaling the poisonous exhalations of the swamps, but sunk under its influence soon after they had got beyond its limits. On the 11th November, two days after leaving Eboe, the fever made its appearance on board of both the vessels. In the Quorra, which was the more unhealthily of the two, four men fell sick at once; on the following day, Mr Laird, Dr Briggs, and nine more of the crew,

were attacked with the same symptoms. Nothing can be more melancholy than this portion of our author's narrative, which becomes indeed a mere obituary. When, at the end of three weeks, he was able to resume his journal, he found that the Quorra had lost fourteen, and the Alburkah three men. The survivors, with the exception of Lander, who preserved his health, looked like spectres, and were scarcely able to crawl. The Quorra, destitute of hands to work her, was taken in tow by the Alburkah, and in this manner they reached Attah, or Iddah, as the place is subsequently called by Mr Oldfield. The view from this station was cheering to the invalids. It is thus described by Mr Laird :

‘ The town of Attah, off which we had anchored, presented a most picturesque appearance. It is seated on the summit of a hill, the perpendicular side of which rises immediately from the river to the height of about 250 or 300 feet. The King of Attah has the reputation of being the most powerful between the sea and Fundah, and carries on a considerable trade in slaves and ivory. We found two men there from King Peppel of Bonny, buying slaves for their master; the price was as low as five dollars, or goods of that value, for a prime slave.

‘ Mr Lander, accompanied by Captain Hill, went on shore several times, and described the view from the town as most splendid. The Kong mountains are seen in the distance stretching from west-north-west to south-east, and from their tabular appearance, I apprehend, would prove to be of the trap formation. The hill on which Attah stands appears to be some conglomerate, and forms the extremity of a low range of hills which constitutes the eastern boundary of the river. The appearance of the western bank is strikingly beautiful, and I anticipated much benefit to all the survivors by the change from the low and monotonous scenery. Attah is healthy, and the only place we have yet seen on the river where a European could possibly exist for any length of time. It has many natural advantages, and on some future day will be a place of great importance. Situated as it is above the alluvial soil, and at the entrance to the valley of the Niger, it commands at present the whole trade of the interior; which trade, although trifling at present, it requires no prophet to foresee will at some time hereafter be immense. The inhabitants of Attah are enterprising traders, and monopolize, in a great measure, the trade above the town. Notwithstanding this, we had been lying at our anchorage ten days, and could see no prospect of opening any trade with them, not from indisposition towards us on the part of the natives, but from their dilatory habits, time being of no importance to them.’

We cannot refrain from offering to our readers the following lively description of the killing of a huge alligator, witnessed from the anchorage at Attah :—

‘ One day while we lay at anchor off the town, I witnessed one of the

most ingenious ways of killing an alligator that could be imagined. One of these huge creatures was discovered basking on a bank in the river, a short distance ahead of our vessels. He was observed by two natives in a canoe, who immediately paddled to the opposite side of the bank, and having landed, crept cautiously towards him. As soon as they were near the animal, one of the natives stood up from his crouching position, holding a spear about six feet long, which with one blow he struck through the animal's tail into the sand. A most strenuous contest immediately ensued—the man with the spear holding it in the sand as firmly as his strength allowed him, and clinging to it as it became necessary to shift his position with the agility of a monkey—while his companion occasionally ran in as opportunity offered, and with much dexterity gave the animal a thrust with his long knife, retreating at the same moment from within reach of its capacious jaws as it whirled round upon the extraordinary pivot which his companion had so successfully placed in its tail. The battle lasted about half an hour, terminating in the slaughter of the alligator, and the triumph of his conquerors, who were not long in cutting him into pieces and loading their canoes with his flesh, which they immediately carried to the shore and retailed to their countrymen. It is evident that the success of this plan depended on the nerve and dexterity of the man who pinned the animal's tail to the ground, and his contortions and struggles to keep his position were highly ridiculous and entertaining.'—P. 126.

About thirty miles above Attah commences the gorge, or narrow valley, by which the river, reduced to a breadth of 700 yards, forces its way through the mountains. These are what Mr Laird calls the Kong mountains; but he does not inform us where he found that name; whether he learned it from the natives, or mistakingly borrowed it, as we conjecture to have been the case, from systematic geography. That the range of mountains which crosses the river Quorra is a continuation of the Kong mountains in the Mandingo country 1000 miles further west, is not an inference of that degree of likelihood, which can justify us in quietly assuming it as a fact. Still less likely is it that the natives are aware, or ever thought of such a continuity of mountain chains, or that they apply one general name to them throughout their whole extent. The mountains which confine the valley of the Quorra, immediately above Bocqua or Iccory (a village remarkable for the great fair or market which is held on a sand-bank near it), have an elevation apparently of from two to three thousand feet. They are all table-shaped, and from a distance their flat summits appear to be all of equal height, and to range in the same horizontal line. The large fragments of rock which lay in the river and obstructed its navigation were granite. The tabular heights were probably composed of sandstone, resting on granitic rocks. The navigation of this part of the river was intricate, owing to its numerous eddies and rocky islets; but these

difficulties being overcome, the labour they had cost was amply repaid by the view that presented itself.

'In the morning,' says Mr Laird, 'we were again under weigh, and a few minutes afterwards entered one of the noblest reaches that imagination could have conceived. An immense river, about three thousand yards wide, extending as far as the eye could reach, lay before us, flowing majestically between its banks, which rose gradually to a considerable height, and were studded with clumps of trees and brushwood, giving them the appearance of a gentleman's park; while the smoke rising from different towns on its banks, and the number of canoes floating on its bosom, gave it an aspect of security and peace far beyond any African scene I had yet witnessed. The confluence of the Shary was just in sight, and a range of low hills on the northern bank trended east-north-east; while on the western bank of the Niger were two remarkable isolated table-lands of a romantic and beautiful appearance, giving a finish to a picture to which no description can do adequate justice.—
P. 138.

It was on the 22d of December that the expedition arrived at the mouth of the Shary, where the Quorra steam-vessel ran aground, and being surrounded by shoals, could not be extricated, but remained fixed for nearly four months, till the rising of the river. The Alburkah was anchored about two leagues higher up. In spite of the fineness of the surrounding scene this fixedness of position was extremely mortifying and irksome. The vessels were covered over in expectation of the approaching rains; but the tediousness of delay, and the pain of disappointment, for there was no trade with the natives, and the speculation had hitherto proved a complete failure, anticipated the sickly season, and the fever broke out anew. Fortunately the pacific character of the natives rendered this visitation less calamitous than it might otherwise have been. A part of the stores and cargo was sent on shore in order to lighten the Quorra, and remained there a considerable time without incurring either loss or molestation. Lander, who alone remained in good health, made preparations to ascend the river Quorra to Rabba or Boussa, having still sanguine hopes of finding somewhere a lucrative trade. His departure was much desired by Mr Laird on another account; namely, that he was too credulous of idle rumours, and too suspicious of sinister designs, and consequently ever on the point of quarrelling with the natives. He did not, however, proceed; the captain of the Alburkah having reported, after sounding the river, that it was so shallow that it might be waded across. Of this statement Mr Laird broadly impeaches the veracity—perhaps on good grounds; but undoubtedly the harshness of his statement is much more apparent than its justice.

The banks of the Quorra, near its confluence with the Shary, were thickly covered with towns and villages : seven of these were visible from the anchorage of the large vessel. Mr Laird supposes that between Eboe and the mouth of the Shary there cannot be less than forty villages, having each on an average one thousand inhabitants. On this part of the river also the people are superior in character to those of the lower country. They are intelligent, peaceable, and industrious, and cultivate the soil, or manufacture to a sufficient extent to maintain a lively commerce.

'The river,' observes Mr Laird, 'abounds in fish to a degree that is almost inconceivable, and the inhabitants of the banks are expert and persevering fishermen. They make immense nets of grass, which they use as seines with great dexterity. They are very careful of their nets after using them, and stretch them on poles to be dried by the sun, exactly as our fishermen do. The fish are split by them and gutted; they are then dried by the smoke of a wood fire, and form, with farinaceous food, their principal means of subsistence. Fruits are not plentiful on the banks of the river; plantains, bananas, limes, tamarinds, a species of plum and pine-apples, constitute the whole.

'The intercourse and trade between the towns on the banks is very great (I was surprised to learn from Dr Briggs that there appeared to be twice as much traffic going forward here as on the upper parts of the Rhine); the whole population on the Niger being eminently of a commercial character—men, women, and children carrying on trade. The traffic in slaves, cloth, and ivory, is confined to the men; every thing else being left to the other sex, who, to say the truth, are far the most difficult to deal with.

'Bocqua, or Hickory, as the natives call it, is the centre of this traffic; and a fair of three days' duration is held there every ten days, attended by Eboe and Attah, and even Bonny traders from the south, and those from Egga, Cuttum-Curaffee, and Fundah, on the north, besides great numbers from the interior country on both banks of the river. The traders from the upper country bring cloths of native manufacture—beads, ivory, rice, straw-hats, and slaves, all of which they sell for cowries, and buy European goods, chiefly Portuguese and Spanish. About twenty-five large canoes passed us every ten days, on their way to this market, each containing from forty to sixty people. The trade is carried on by money, not by barter; cowries are the circulating medium, and their sterling value on an average may be taken at one shilling per thousand.'—(Vol. i. p. 165-6.)

The time passed heavily while the vessels lay at anchor near the Shary, the one aground, the other afloat, but hindered from proceeding onward by the shoals. The monotony of existence was never interrupted unless when a momentary and melancholy excitement was caused by some fresh attack of sickness, or the

death of a companion. On the 28th of February expired Dr Briggs, the medical officer of the Quorra, and a gentleman of great ability. The loss of his friend and companion weighed heavily on Mr Laird; and though weak and ailing, he resolved to seek relief from the pressure of this last affliction, in enterprise and change of scene. He proceeded accordingly about the end of March to ascend the river Shary on his way to the town of Fundah.

In the course of this journey he encountered a sufficient variety of perils and inconveniences to compensate the languid uniformity of his life on shipboard. At the village of Yemmamah he was jolted on the shoulders of the natives over paths which seemed scarcely to admit the tread of human feet. When ascending the creek which leads towards Fundah, his native boatmen left him to spend the night alone in the canoe, unsheltered and unprotected. He was unable to ride on horseback, and the natives refused to carry him, alleging that they were men, not horses.

It was midnight when he reached Fundah, where an immense concourse awaited his arrival, and the hut in which he was lodged continued till morning closely beset by the inquisitive multitude. We shall introduce the sovereign of Fundah in Mr Laird's own words.

‘In the afternoon I was visited by the king, who was attended by a great number of eunuchs, and a cavalcade of about a dozen horsemen. He was splendidly dressed in silk and velvet robes, and appeared to be a man of immense size. His countenance is by no means prepossessing, particularly his eyes, which are of a dirty red colour, having a sinister and foreboding expression. I presented him with a brass-mounted sword, an umbrella five feet in diameter, highly ornamented, a brace of pistols, and several other things, and then informed him, through my interpreter, that I had come from a great distance to look at him in the face, and to hold a good palaver with him; that his messengers had informed me it was his desire to see the face of a white man, and trusting to his good faith, I had come though ill and unable to walk; that I was anxious to give him our goods for ivory, and had brought with me a great quantity for that purpose.

‘Having finished my speech, he rose, and said, in the Houssa language, that he was glad to see the face of a white man—it was what he had long wished for; that he had abundance of ivory, and that all that he had was mine: to which sentiments twelve grey-headed negroes, who appeared to form his privy council, bowed assent.’—P. 200.

In the evening after this interview, Mr Laird was visited by a raw-boned, active-looking man, whose face he thought he had seen before. The unknown visiter growing importunate, was turned out of the hut by the Kroomen. The next day Mr

Laird went to return the king's visit, and was waiting in the court-yard of the royal residence, when the sturdy beggar of the preceding evening came and sat beside him. An explanation took place, from which it appeared that the raw-boned man was no other than the king himself, divested of his wadding and his finery. He withdrew for a few minutes, and then returned dressed as at the first interview, and stuffed up to royal dimensions.

Mr Laird, we have seen, was an invalid when he set out on his journey to Fundah. Besides his general debility, he was afflicted with craw-craw, a foul cutaneous disease, which degenerated into ulcers. It is no wonder, therefore, that he was treated with little respect by a rude people; for the multitude are always disposed to estimate a man according to his physical qualities; and, moreover, they found amusement, as he himself acknowledges, in his irritability. It was a bold thought of Mr Laird to venture in so weak a state so far from his companions, and with a large quantity of goods. We admire his courage, and only regret that it was not accompanied with a more resigned temper; so that, when the speculation failed, he might have known how far the failure was ascribable to his own miscalculations. The King of Fundah used no violence towards him; he may, perhaps, have defrauded him of goods, or been slow to afford him the means of quitting the place; but these matters are rather obscurely stated by Mr Laird, whose invectives, on the other hand, have a degree of acerbity which diminishes one's credence in them. He says of the king in one place—'He never took any thing which I refused him, though he would threaten and bluster about it. My goods were quite at their mercy,' &c.—P. 238. Yet again he exclaims, 'I cannot describe the disgust I had of this man's presence; and if he had persevered in his behaviour, I should certainly have shot him in some moment of irritation, as he stood before me.'—(Vol. i. p. 209.)

Allusions of this kind to the summary decisions of the pistol appear too frequently in our author's narrative: being insupportable in a civilized, we can hardly suppose them to be safe in an uncivilized country. The king, however, still continuing to refuse horses for our author's departure, a notable expedient was hit upon to overawe him. The white man made a grand Fétich at nightfall, in presence of the king and his assembled people. First, several rockets were discharged, then blue-lights were burned, and lastly, the pocket compass, pointing invariably to the north, was shown to the king; and whether from the effect of general dismay or admiration we know not, but the

desired point was gained, and Mr Laird was allowed to depart. He reached his vessel after a two months' absence, and found that Mr Lander, who had promised to follow him to Fundah, had changed his mind, and gone down the river to the sea.

Fundah, said to be the largest town in the country in which it is situated, appeared to Mr Laird to contain a population of thirty or forty thousand souls. It stands in a fine plain about twelve geographical miles from the river Shary on its northern side, and about forty miles from its mouth. Some of the defences of the town appeared to Mr Laird to be remnants of a civilisation superior to that of the present inhabitants. The principal street, in which there is a market every Friday, is a mile long, and 200 feet wide. The other streets are, for the most part, narrow and dirty. The king's dwelling is an assemblage of huts, covering an area of nine or ten acres, and surrounded with a wall fifteen feet high.

The industry of Fundah is confined to the manufacture of cotton cloths, of iron and copper utensils, and two extensive dye-works. Every one, even the king, spins cotton. The cloth is thick and strong, the coarse thread, made from cotton of exceedingly fine staple, being twisted hard. Its obvious superiority in durability and weight, over the Manchester cottons, was freely vaunted by the African manufacturers. The copper used in Fundah, chiefly in the manufacture of bowls for tobacco-pipes, is said to be brought from the eastward down the Shary. Fundah has at present but little commerce, but the traditions of the natives, it appears, concur in representing it to have been formerly a place of considerable trade,—‘a sort of entrepôt where the Arabs and Fellatahs exchanged European goods for slaves.’ It is certainly strong evidence of the importance of Fundah in the middle of the fifteenth century, that its name occurs in the map of the Venetian geographer, Fra Mauro.

Mr Laird commenced his descent of the river in the beginning of July; but before he had proceeded far, he met, on the 10th of the same month, a boat, in which were Mr Lander, Mr Oldfield, the medical officer of the Columbine, and Mr Brown, a native of Cape Coast Castle, who was to remain at some selected spot up the river in the capacity of agent or factor. After a delay of a few days, Mr Laird proceeded in the *Quorra* on his way home; while Mr Lander and his new companions, in the *Alburkah*, continued to ascend the river.

For the narrative of the expedition subsequent to the departure of Mr Laird, we are indebted to the journal of Mr Oldfield, which occupies the larger portion of the volumes before

us; and which, from the extent to which he succeeded in exploring the rivers, ought also to have been the more interesting portion. But we regret to say, that Mr Oldfield's is much the weaker part. Not a better observer than Mr Laird, he is less generous and independent in his opinions; and, where the natives are concerned, more the slave of prejudice and misconception.

On the 2d of August the Alburkah entered the Tchadda; for so Mr Oldfield writes the name of the river, which Mr Laird uniformly calls the Shary. Neither of these travellers acquaints us with his reasons for adopting the one or other of these names, which stand here in more remarkable juxtaposition, inasmuch as they are likewise found conjoined in Bornú, where the great lake bearing the former name has a river flowing into it which bears the latter. It appears to us not unlikely that Chaddy (for so the Houssa people pronounce the name of the lake, as well as of the river) and Shary were originally one and the same name; modified by the geniuses of two different languages, one of which refuses the sound of *ch*, the other that of *r*. The rivers were now swelled by the rains, so as to be navigable without difficulty. On approaching the Tchadda, Mr Oldfield observes, 'We were now about to enter a stream which was (comparatively speaking) totally unknown, and where no white man had penetrated.' He ought to have added, except Mr Laird. But this gentleman, it is true, had gone but a little way. 'Our intention,' continues Mr Oldfield, 'was, if practicable, to reach Lake Tchad from the Tchadda,'—a bold design truly, and considered practicable by the natives; but, if Mr Oldfield had considered their account attentively, he might have perceived that they invariably represent the river Quorra as flowing by its branch, the Tchadda, into the lake; whereas, in reality, the river Tchadda flows into the Quorra, and so demonstrates the ignorance of the natives.

For fourteen days our voyagers continued to ascend the river; but having by that time explored it 104 miles, without an adequate increase of information, they prudently determined to return. They suffered from lack of provisions, the natives along the banks refusing, for causes unexplained, to hold any intercourse with them. Mr Oldfield remarks, that 'it still remains to be determined whether or not the Lake of Tchad empties itself into the Tchadda or Shary.' He seems disposed to conclude, from the accounts of the natives, that it does. We have no doubt that he has misunderstood the natives, whose schemes of connexion between the waters of the interior always carry them from west to east. Besides, the following sensible

observations of Mr Laird appear to us to be alone sufficient to decide the question.

‘The water of the Shary is colder than that of the Niger.

‘The rise of the river commences sooner, and more suddenly, than the Niger.

‘There is little trade upon the Shary, in comparison with the Niger, which, if it communicated with the sea of Soudan, would naturally be immense.

‘From the first two reasons, I should think that its rise is in a mountainous country, and that that country lies very near the equator. Probably the same range of hills that gives birth to the Cameroons, Malimba, and other large rivers, throws off, on its opposite declivity, the sources of the Shary.—(P. 233.)

The Alburkah, once again on the river Quorra, turned her prow northwards, and proceeded to ascend the majestic stream. There was now no difficulty in the navigation, except what arose from deficiency of fuel; and a sufficient supply of this was easily levied on the curiosity of the natives. They came in crowds to see the vessels, but none were allowed to come on board who did not bring a certain quantity of wood; and their contributions were generally equal to the consumption. At Kacundah, on the western bank of the river, about fifty miles from the mouth of the Shary, industry and cultivation seemed to flourish, though temporarily depressed by incursions of the Fellatahs. Higher up, the population of the river's banks continually increased. On the 2d September, there were at one time upwards of thirty canoes paddling round the Alburkah, many of them above fifty feet long. Eleven large and populous towns were seen at no great distance from each other. Egga, about thirty miles farther up, contains, to use the language of Mr Oldfield, ‘an immense population.’ The scenery in this part of the voyage was extremely fine, the river frequently a mile and a half wide, winding gracefully through a diversified and luxuriant country.

But we must hasten to the town of Rabbah, about 150 miles N.W. from the mouth of the Shary, where our voyagers arrived on the 16th of September. Here they were within the dominion of the Fellatahs. Crowds of Fellatah horsemen awaited their arrival. ‘The walls of Rabbah,’ exclaims Mr Oldfield, ‘for the first time re-echoed with the sound of British cannon, and her people witnessed a novel sight in the arrival of a British steam-vessel constructed of iron.’ The next morning Mr Landers and his companions landed, and mounting the horses which the king had considerably sent for them, set off to court.

‘As we passed on,’ says Mr Oldfield, ‘we found the streets narrow

and excessively filthy ; dunghills were seen in the most public thoroughfares. We passed through the wood-market, and another in which grass was sold ; also the shambles, the slave-market, and the cloth market, all distinct from each other. To our left was the market for bullocks, where about one hundred fine beasts were exposed for sale. In various sheds were saddles, beads, sandals, robes ; and other articles were offered to the view of purchasers. Indigo was likewise exhibited for sale, and baskets of senna.—(Vol. ii. p. 56.)

Mr Oldfield assures us, in his usual vague manner, that the population of Rabbah must be immense, and also that the town is of immense extent. Opposite to the town, which stands on the eastern bank of the river, is the island of Zagoshie, the chief seat of manufacturing industry in this part of Africa.

Our voyagers were kindly received by Ossiman (as our author writes the name Othman), the King or Sultan (or perhaps rather the governor) of Rabbah ; a shrewd and apparently well-informed man, of dignified and easy manners. Some of his wives came and peeped at the strangers during the audience, and when perceived, scampered away laughing. The presence of some well-bearded Arab sages counterbalanced the frolic, and maintained the gravity of the meeting. The great population of Rabbah, the commercial character of its inhabitants, the number of Arab merchants collected there from different parts of the interior, and the friendly disposition of the chief men, all seemed to Mr Lander to hold out a promise of active traffic. But he required a promptitude in dealing unknown in Negroland, particularly when novelties are offered for sale, the value of which the African dealer has not proved by experience, and which he at the same time mistrusts and covets. The King of Rabbah was quick in taking goods, and slow in paying for them. He contracted a debt of 180,000 cowries (about nine pounds sterling), which he was willing to increase still further. A fortnight is a short space of time to a dilatory African, but was sufficient to exhaust the patience of Mr Lander. Tired of such unprofitable dealing, he determined on his departure. It had been his intention to ascend the river to Boussa, where a ledge of rocks interrupts its navigation upwards, but was obliged to renounce that design from a peculiarly mortifying cause : a scuffle had taken place on board, when the blows of the combatants fell on the cylinder of the engine and injured it. Such a check to enterprise was much to be deplored, but it is remarkable that, in the course of the narrative, we hear nothing more of the flaw in the cylinder.

On the 2d October the party commenced descending the river.

Before they had proceeded far they overtook a canoe belonging, as they were informed, to Fellatah tax-gatherers. 'Mr Lander' thought that seizing the king's cowries collected for taxes would 'be redeeming in part the debt due to him.' The men were therefore seized, and 26,000 cowries were taken from the canoe; but this was not enough, so two other canoes were seized, though not containing the king's cowries. Again, as a balance still remained due, a method was devised of extorting the payment of it, which is described as follows:—

'Shortly after we had anchored off Egga, Moosa, a young man, said to be one of the king's sons, came on board. We ordered him to be seized and secured in irons. Mr Lander explained to him the cause of this treatment, and told him if he would pay the amount of cowries due to us he should be liberated. He repeatedly called out, "Anabi Moosa, Anabi Moosa;" which we could not comprehend, unless it meant that he was the son of an old man of that name at Rabbah.'—(Vol. ii. p. 103.)

If such were the meaning of the exclamation (which was obviously *aná ben Músa*, I am the son of Músa), then it is plain that the pretence on which he was detained was groundless, and that he ought to have been liberated at once. He was kept in irons nevertheless, 'treated with every possible kindness,' till his friend the chief of Egga ransomed him by paying the King of Rabbah's debts. This transaction admits of no apology; it cannot be justified on any principles of prudence, much less on those of morality. To traffic with the powerful, and, abandoning the personal prosecution of claims on them, to levy their debts on the weak, is no less timid than tyrannical. It was, in a word, a proceeding disgraceful to the British name, and which will, we trust, meet with general reprobation. Nor was this the only instance in which Mr Lander or his companions assumed an undue license. Hearing, on one occasion, as they approached a town on the banks of the Shary, that one of their debtors dwelt there, they threatened to set fire to the place if he was not delivered up to them. Nay, Mr Oldfield once held out the same menace to a chief who refused to sell him a bullock. It is manifest, from every page of Mr Oldfield's journal, that he constantly eyed the black men as unworthy of trust. Have they not also in turn some reason to look with mistrust on white men and their ill-used superiority, and is not violent and arbitrary conduct like that above narrated, calculated more or less to confirm their worst apprehensions?

Near Attah or Iddah, an island, named English island, was purchased by Mr Lander; and Mr Brown was placed on it to remain with some merchandize, and to carry on trade with the natives. On the 1st of November the Alburkah reached the sea in a very

distressed plight, and meeting the Quorra soon after, was towed into Fernando Po.

The commander of the expedition, Mr Lander, though not always judicious, was certainly indefatigable. He allowed little time for rest at Fernando Po; and on the 15th of November, the Alburkah was again under weigh to ascend the river Quorra, under the command of Mr Oldfield, while Mr Lander himself proceeded to Cape Coast Castle to collect a stock of cowries. Nothing can be more dismal and disheartening than Mr Oldfield's narrative of his return up the river. He was no seaman, and the season was unfavourable; the waters having by this time fallen considerably. What besides disasters could be expected from so ill-arranged a commencement? He was nearly wrecked on the bar; nearly starved in the river; the engines would not work, the vessel being apparently without the least provision of grease or oil. He was obliged to ascend the river from Ebœ to Iddah in a canoe to procure assistance, and induce the natives to tow the vessel up. The anxiety and weariness of a two months' voyage up to that place was too much for the constitutions of the Europeans who accompanied him, and they all died. It is not very surprising that the kindness of the natives, though it alleviated the sufferings, could not completely soothe, nor fill with confidence, the spirit of one harassed by such a series of vexations. Mr Lander was to have joined him with a stock of cowries; but on his way up the river, that celebrated traveller was attacked by the natives, and received a shot of which he died not long after at Fernando Po. This melancholy event hastened the movements of Mr Oldfield, who finally bade farewell to the river Quorra in July, 1834.

One of the first things that strikes the reader of the narratives of Messrs Laird and Oldfield, is their palpable suppression of matters which must have affected most sensibly the success of the expedition;—we allude, in particular, to the want of harmony between those who conducted it. The journal of Mr Laird shows evidently that between him and Mr Lander there was no mutual confidence. When obliged to await patiently near the mouth of the Shary the increase of the river, the two leaders lay at anchor six miles asunder. It is difficult to account for the inactivity of Lander at that period, when with health unimpaired, in a friendly country, where horses were easily procured, he allowed four months to pass without any attempt at enterprise, or thoughts of an excursion. Or must we suppose that his colleague in the Quorra remained ignorant of his movements?—or that, knowing them, he refused them a place in his narrative? Mr Laird,

miserably reduced by sickness, had the boldness to make his way to Fundah, and on his return at the end of two months, found that Mr Lander, who had promised to follow him, had taken the opposite direction, and gone to the coast. He accordingly proceeded on his voyage homeward, unconscious to what extent he was at cross-purposes with Mr Lander, who soon after came in sight, returning to ascend the river in one of the vessels; and for what purpose? Was it to execute the plans of the company, and to carry British merchandise up the river as far as Boussa? No: he entered the river Shary or Tchadda 'with the intention of ascending it, if possible to lake Tchad,' and of thus making a notable discovery. But foiled in that scheme, he ascended to Rabbah; and why not to Boussa? Because a flaw was discovered in the cylinder; which flaw closed up, never to be again detected, as soon as the vessel's head was turned coastwards!

The mortality attending the expedition was dreadful; on board the Quorra, twenty-four out of twenty-nine fell victims to the climate; on board the Athburkah, fifteen out of nineteen. But such mortality must not be looked upon as the inevitable consequence of exploring the rivers of Central Africa. Prudence and wise temperance will, no doubt, go far to obviate in this, as in the other equatorial regions of the earth, the causes of fatal disease. Many difficulties and delays will be avoided by proper choice of season; and the alarm of climate being gone by, exasperations of temper, and undue excitement, will be less likely to corrode the sustaining power of life. The possibility of navigating the river Quorra without inordinate loss of life, or time, has been completely proved by Mr Becroft, a mercantile gentleman at Fernando Po, who, in September, 1835, commenced the ascent of the river in the Quorra steam-vessel. He reached Eboe in thirty-seven hours. He carried on an active and profitable trade at the markets above Iddah, and returned to Fernando Po after an absence of three months, having lost only one man during that time. His intercourse with the natives was of the most satisfactory kind, and seemed to promise a continual increase of trade.

Another proof of the slight degree of confidential intercourse which existed between the various parties engaged in the expedition, may be collected from the striking discrepancies occurring between Mr Laird's text and the chart of the Quorra by Commander Allen, R.N., published by the Admiralty. Thus, for example, Mr Laird tells us, that fifteen miles above Eboe the Quorra throws off its branches to Benin and Bonny. 'We crossed,' he says, 'the Benin branch, and found it about 800

'yards wide.' Now, Mr Laird evidently mistook for a great branch flowing to Bonny, a channel of the river cut off by an island. Why did he not inspect the Admiralty chart, and expunge so glaring an error from his text? Again, Mr Oldfield speaks of a town near Rabbah, named Tcharige, of which he briefly remarks, 'this is the largest town we have met with since leaving Old England; it is only a few hundred yards from the river side.' But his fellow voyager, Commander Allen, places this remarkable town (Sháragih, as he writes it) six miles at least from the banks of the river.

Finally, we cannot but complain of the scanty amount of solid or exact information brought home from a region towards which curiosity has been so long directed—respecting which the Arabs have furnished us so many obscure accounts—and where our voyagers seem to have enjoyed such ample opportunities of collecting intelligence and clearing up all difficulties. These volumes shed but an indifferent light on the banks of the Quorra, and hardly throw a single dim ray on the country at a distance from them. Let no one examine them in the hope of discovering whereabouts is Wassanah, or the celebrated Waggara. In Rabbah, Mr Oldfield met with Arab merchants from Tripoli, Bornú and Timbuctú; and the sum total of the information he derived from them was, that Timbuctú is distant from Rabbah *ten or fifteen days' journey*. We need not trouble our readers with comments on the incorrectness of so vague a statement.

The intention, however, of the preceding comments is not by any means to show how much easier it is to make a remarkable voyage than to write a good account of it: we aim rather at the explanation of the misfortunes which beset the expedition. There is no preservative so certain against the fevers of the tropics as serenity of mind. There is no mode of dealing so effectual with uncivilized nations as gentleness, united with strict undeviating justice. We have no great confidence in Mr Laird's prescription in case of fever, 'to smoke without ceasing, and to take plenty of opium;' neither do we approve of occasional doses of brandy. But doubtful as we are with respect to specific remedies, we are confident, that had harmony existed between the leaders of the expedition—had they avoided manifesting suspicion or insult in their intercourse with the natives—their animal spirits would not have succumbed so easily to the perturbation and despondency which wing the shafts of disease in hot climates.

We do not by any means deny that the last expedition of Lander, up the river Quorra, had the signal merit of disclosing a wide

and populous region to the enterprise of British merchants, and of opening, though at melancholy cost, a path which others will soon learn to tread with ease and profit. Mr Laird bears testimony, in the most explicit terms, to the civility, gentleness, and honesty of the natives on the banks of the Quorra; and subsequent experience has fully confirmed the good opinion which he formed of them. His words are,

‘I can safely assert that, as far as my experience goes, European traders will be received with open arms by all the inhabitants of the interior; that no hostility, but, on the contrary, every kindness and respect will be shown to them; that their property and life will be as safe (excepting from the effects of climate) upon the Nigir as upon the Thames; and that nothing prevents the Eboes and other nations in the interior trading direct with the Europeans upon the coast, but the terror that a white man’s name carries with it—a terror which is artfully kept up by the chiefs upon the coast, and the disorganized state of the country produced by the slave-trade.’—(Vol. ii. p. 407.)

It is not easy to estimate too highly the benefit accruing to the human race from the means thus discovered of bringing nations so long sequestered into immediate and active communication with European civilisation. The whole human family must benefit by the improvement of so considerable a branch of it; but those who benefit most by all such improvements and discoveries, are the industrious and manufacturing nations, to whom markets are better than gold mines, and consumers are the most faithful allies.

Since commerce and science are equally interested in the extension of our acquaintance with the habitable globe, it may appear to many surprising, that the systematic prosecution of geographical discoveries should not be reckoned among the duties of an enlightened government. But, in truth, there is some difficulty in dealing practically with so vague an object. Plans of discovery founded on enlarged views, and aiming at ulterior benefits, are not always brilliant enough to attract attention. Those, on the other hand, which have for their object the unravelling of geographical mysteries, long and loudly debated, are welcome to the public for the sake of their excitement; and if they involve great preparation and expense, they awaken on that account a livelier interest. Enormous sums, it is well known, have been expended by the British Government in endeavouring to solve geographical problems which puzzled our ancestors—not because the solution of them promised any useful results—but because the willingness of Government to promote discovery in general was acted upon by influential individuals, whose views were limited to some favourite schemes. Thus, we have surveyed a portion

of the northern coasts of America at a cost exceeding perhaps a hundredfold what the Russians have paid for the survey of the frozen shores of Siberia. Had a tithe of the sums expended on the northwest passage been devoted to the gradual exploration of inhabited countries, where the paths are open, the results would by this time have swelled into great importance. In like manner, large sums were wasted on African discovery, in subordination to views rather speculative than practical; till at last, in searching for the Nigir, the discovery was arrived at circuitously,—we might almost say reluctantly, that the Quorra flows into the bight of Benin.

But if African discoveries are to be prosecuted, it may be asked where are we to commence, or whither are we to direct our steps? We reply, that wherever there is commerce there is sure to be a beaten road, more or less secure; and the object should be to explore these roads patiently and unobtrusively, as far as care for safety will permit, in the confidence that use and intercourse will daily enlarge the bounds of safe traffic. If Timbuctú be still an object of curiosity, it may be approached securely by the Quorra, where British merchants will soon become familiar and welcome visitors; or it might be reached from Cape Coast Castle through Ashantee, on the friendship of the king of which country we may at the present time securely rely.

There are some points on the western side of Africa, where a short exploration might be productive of valuable results—as, for example, Nourse's river, in lat. 17° 40' S. That river, though barred, may be easily entered by small vessels; and from the nature of the country through which it flows, it is likely that the stream will not be found to diminish for a long way up. It is probably the Cunene (or Great river) of the Portuguese maps, which is represented as flowing towards the south from the hills in the interior of Benguela. The native tribes, near its source, are said to be numerous and industrious. Those who occupy the western face of the mountains, between Benguela and Cape Negro, appear to have escaped, in some degree, the disorganisation arising from the slave-trade. They cultivate the soil with great care, forming terraces, which are irrigated with water-courses. They have had hitherto scarcely any intercourse with Europeans.

An intelligent observer, landing at Walvisch bay, might possibly collect there some useful information at little cost; but a spot so sterile has certainly no peculiar claims to attention. All expeditions to explore the interior, from the Cape of Good Hope, are liable to a formidable objection—namely, that 1000 or 1500 miles of desert, or monotonous plains, are to be crossed before the tra-

veller reaches what can be called new ground: his spirits are wearied, and his purse drained before his discoveries have well begun.

The eastern coast of Africa offers a fairer and more interesting field. It is remarkable, that in the seventeenth century, Isaac Vossius had already arrived at the opinion that the easiest access to the interior of the African continent is from the eastern coast; and he tells us that the Portuguese were very busy exploring in that quarter. We are not acquainted, however, with any attempt made by them, previous to the last century, to penetrate the country northward of the Zembési, except in the instance of Fonseca, who ascended the river Ozy eleven (or according to De Barros, only five) days' journey. The ex-Sultan of Patta, who dwells on an island about fifteen miles up that river, ascended the stream a few years back, to a distance of two months' journey, and was desirous to unite with a British officer in an attempt to cross the African continent. The caravan route from the interior of the Somanly country to the shores of Borbora, in the gulf of Aden, has been trodden from the commencement of history. The jealousy of the natives, which for ages excluded Europeans from their ports, has been latterly diminished by the presence of the cruisers of the East India Company on the Somanly coasts. This intercourse began in hostility, and has terminated in friendly habits. In 1833, when a caravan of 6000 persons descended to the annual fair near the seashore, one of the Somanly chiefs offered to take a volunteer of the *Palinurus* into the interior. In like manner, the people of Breva and the adjacent coasts have recently relaxed in their hostility to strangers; and have even invited the supercargoes of English merchant vessels to visit their country.

It is a fact not much known, that extensive territories on the eastern coast of Africa were offered for sale to Queen Elizabeth by some Portuguese merchants, who warranted them to abound in gold, and to belong to nobody *but the natives!* The Portuguese ambassador interfered with a remonstrance, or rather a supplication, and the Queen magnanimously declined the captivating offer. At present, British merchants are actively engaged and well received along these coasts, and now the spirit of Elizabeth would proudly smile on their enterprise, and gladly aid them in establishing an intercourse with newly-discovered nations.

- ART. IV.—1. *Report from the Select Committee on Metropolis Police Offices, with the Minutes of Evidence, Appendix, and Index.* Ordered by the House of Commons to be printed: 29th June, 1887.
2. *Extracts from the Second Report of the Inspectors of Prisons for the Home District, with Circular of the Right Hon. the Secretary of State for the Home Department to the Magistrates assembled at Quarter Sessions of the Peace, and to the Justices of Boroughs.* By Authority. 8vo. London: 1887.

THE branch of Criminal Justice to which it is our present design to advert, is that commonly known under the name of Police, which is, or ought to be, a methodized system for the prevention and detection of crime. The influence of police establishments upon the morals of society, is generally admitted to be extensive, whether for good or for evil, and exceeds that which can ever be exercised immediately by judicial institutions; because it is the office of police, rightly understood, not only to arrest crime in its growth, but to prevent offences from taking root in the social soil. Infinitely more important is it to the well-being of a state, to check the opening path of the novice in wickedness—to block up the entrance of that wide way which leads to destruction—than to cut short the career of the hardened criminal by making him a terrible example of the vengeance of the law. It has always appeared to us that the permanent diminution of crime is attainable only by the removal of its primary causes—ignorance and poverty; and by the diffusion of moral and religious instruction, in connexion with a well-regulated system of police, and of secondary punishments: and, highly as we value the recent mitigations which have taken place in our criminal jurisprudence, we are disposed to think improvement, at present, needed even more urgently in *preventive*, than in *executive* justice. We therefore claim for the subject before us, if not for our own remarks, the earnest attention of criminal law reformers.

In addition to its office in apprehending offenders, the police of civilised society, and especially of large towns, is charged unavoidably with the execution of many duties, not strictly belonging to preventive justice, but contributing materially to the health, security, and convenience of the public. In France, Prussia, and other continental states, as is well known, the interference of the police in the ordinary actions of life, is carried to

such an extent, that no citizen can consider himself as living otherwise than under its immediate *surveillance*. But we are not about to recommend the indiscriminate imitation of foreign systems, comprising, as they do, many regulations inappropriate to our institutions, and which would needlessly restrain individual liberty in this island, where there are, happily, no political reasons or pretences for their adoption. We are well aware that it is no easy matter to draw the line to which the interference of a preventive police may properly be carried. Whatever can be considered in any shape an encroachment upon individual liberty, requires much caution and delicacy in its enforcement; and it will not do to apply hastily to this country regulations which may work well in France, but to which the French have been accustomed, perhaps for centuries. The French police often interferes very minutely, and at the same time very uselessly; and our belief is that its excellence has been greatly exaggerated. But it is plain that, at least in crowded cities, a power ought to exist for the suppression of tumult, noise, and disorder—the regulation of locomotion and traffic—the correction of indecency—and the prevention of a numerous class of annoyances and impositions, which can only be restrained by being taken cognizance of at the instant. To these may be added a number of petty disputes, the immediate settlement of which tends materially to the preservation of the public peace. Over such subjects as these, it is obviously for the general advantage that the police should have a summary control; and any apprehension of danger to the liberty of the subject, can only be founded on its abuse, and not upon its proper exercise.

The organization of the present metropolitan police force was effected under the direction of Sir Robert Peel, who held the Seals of the Home Department in 1829, when the act of the 10th Geo. IV. cap. 44, was put into execution. That act was founded on the recommendation of the Select Committee of the Commons in 1828, which, indeed, embodied the suggestions of several former Committees; particularly those of 1816, 1817, 1818, and 1822. The miserable inefficiency of the local functionaries of the parishes—the absence of every thing like union, or regular control over them—and the progressive increase of crime in London, had for some years past aroused the attention both of the Legislature and the public; but no remedy whatever was applied until the act of the 10th Geo. IV. came into operation. The peace of the city was preserved on every occasion of real or apprehended tumult, by the display of a military force; and the civil power was rarely seen in action, unless in cases of some very flagrant violation of the public tranquillity, or some deep

injury to individuals. The state of the metropolis may be in some degree imagined by those who are not old enough to remember it, from the declaration of Mr Fielding, a police magistrate, before the Committee of 1817: that, considering the daring character, and the number of profligate and experienced depredators, the general tranquillity was 'miraculous.' Thieves were organized in known classes—day thieves, and night thieves, and hustlers of passengers—who are described as a 'desperate gang.' 'Flash-houses' were then a necessary part of the police system, where known thieves, with the full knowledge of the magistrates and police-officers, assembled, until the state, or individuals who had sustained losses, bid high enough for their detection. The accuracy of this description is recognised by the Commons Select Committee of 1834. It further appears by the evidence taken before the Committee of 1817, that, at one end of the metropolis, bull-baiting was a diversion allowed; and that the police magistrate above quoted confessed he had not 'sufficient strength' to stop it; and that to interfere with 'the slender strength' he had, 'would most likely lead to greater disturbance by their being overpowered.' In another district, duck-hunting, and dog-fighting, were constant Sunday sports, with the full knowledge of the police. The vestry-clerk, resident in St Matthew's, Bethnal-Green, in answer to the question 'Have you seen, in the neighbourhood of the church, or churchyard, duck-hunting and dog-fighting?' replies, 'There is scarcely a Sunday there is not. I have gone out with the greatest anxiety, when my wife and family were going to church, to protect them.' The same witness being asked, 'Have you ever witnessed bullock-hunting, and that riotous assemblage of persons in the neighbourhood of the church and churchyard which has been detailed in evidence before this committee?' answers, 'Oh yes, many times; the most disgraceful thing in the country. I have offered to turn volunteer to prevent it. On Monday and Friday we have a bullock or poor cow hunted. The butchers round Hackney and Bethnal Green have paid police-officers for having their bullocks brought home safe, and as soon as that pay ceased, their attention ceased.' Such a state of things shows the necessity which existed for a thorough change of that system which subdivided the metropolis into a number of petty jurisdictions, each acting independently of, and continually frustrating the efforts of the other; whilst crime was increasing in a greater ratio than the population, and the proportion of criminals to the population in the metropolis far exceeded that in all the rest of the kingdom. Comparing with such a system the degree of order and protection which has already been

obtained by the establishment of the centralized police force, it will not be disputed that great practical benefits have resulted from that measure. These benefits were justly noticed by the Commons Committee of 1834, who also, in their report, replied to certain popular objections which for a time prevailed, and offered various suggestions for the further improvement and consolidation of the new force. But these suggestions have only been partially carried into effect, and there was abundant room for the enquiries of the Committee appointed last Session, on the motion of Mr Hawes. The labours of that Committee were suspended by the abrupt termination of the late Session, but not without collecting some valuable evidence, to much of which we shall have occasion to refer in the course of our present observations on the subject.

It may scarcely be necessary to state, that the sphere of action of the metropolitan police at present comprehends the several metropolitan parishes on both sides of the river (with the exception of those within the city of London), and a number of outlying parishes, either specified in the 10th Geo. IV., or which, being situated within twelve miles of Charing Cross, have been added to the police district by the King in Council, under the provisions of that act. The number of parishes, and extra-parochial places thus united, is altogether about ninety; and the expenses of the police force are defrayed by a rate, three-fourths of which is paid by the parishes, and the remaining fourth by the Treasury,* to which is added a small fund derived from fines, and voluntary payments by individuals. The sums thus levied and expended in the last two years appear to have been,—

	1835.	1836.
Amount actually received, ...	L.210,428	L.212,308
Balance outstanding at the end of the year,	43,030	48,229
	<u> </u>	<u> </u>
Amount actually paid, ...	L.201,964	L.208,099
Do. owing at the end of the year,	6,257	8,213
	<u> </u>	<u> </u>
	<u>L.208,221</u>	<u>L.216,312†</u>

* The Treasury also makes up the difference between this one-fourth and L.60,000, but its advances are limited to that sum by 3d and 4th Will. IV., cap. 89.

† See Returns ordered by the House of Commons to be printed, respectively, 1st March, 1836, and 27th February, 1837.

The police establishment thus maintained consists of two commissioners and their clerks, a receiver, and an active force of 3406 men. The following was the last Parliamentary Return, since which the number has remained the same :—

17 superintendents, at L.200 per annum, each.

70 inspectors, at L.1, 18s. 6d. per week, each.

342 sergeants, at L.1, 2s. 6d. per week, each.

2977 constables, at 19s. per week, each.*

To which should be added L.10,000 for the expense of the horse patrol (about seventy in number) recently transferred to the metropolitan commissioners; and L.51,000 for the annual charge of the nine police-offices; the establishment of which consists of twenty-seven magistrates and their clerks, a receiver, and sixty-three constables, exclusive of the river police, composed of twenty-two surveyors and seventy constables. It thus appears that the annual cost of the police of the metropolis and its suburbs (exclusive of the city jurisdiction, to which we shall presently advert) is about L.280,000; and if we suppose the population of the parishes to which it extends to be 1,500,000,† the total charge will be in the ratio of about 3s. 8d. per head to each inhabitant. But inasmuch as the parishes, in fact, pay only three-fourths of the metropolitan rate, and no part of the expenses of the police-offices, the real charge to the inhabitants is only about L.160,000 per annum, or in the ratio of 2s. 1d. per head;—a sum, *primâ facie*, moderate enough, and which could hardly afford a reasonable ground of complaint, if all the benefits were thereby attained which a sound police system is capable of conferring. How far this is the case we shall presently see. We propose to notice in succession what appear to us to be the principal defects of the existing system, suggesting under each head the appropriate remedies. After the proofs which have been given by the noble Lord who presides over the Home Department, of his desire to promote practical reform in other branches of criminal jurispru-

* See Return for the year 1835, ordered by the House of Commons to be printed 12th June, 1836.

† This is intended to exclude the population of the city, and to include that of the outlying parishes, which are all populous; comprising Hampstead on the north; Hackney, Poplar, Stratford, &c., on the east; Greenwich, Deptford, and fourteen parishes in Surrey, on the south; and Kensington, Chelsea, Fulham, Hammersmith, Chiswick, Ealing, Acton, and Brentford on the west. The population of the several parishes and places comprised in the last police return was, according to the census of 1831, about 1,300,000, and adding fifteen per cent for subsequent increase, we have a present population of 1,500,000.

dence, no doubt can be entertained that the recommendations of the Select Committee, which has resumed its labours in the new Parliament, will receive the earnest attention of her Majesty's Government. In the mean-time, we must beg that our observations may be understood as being directed to the system, rather than to the conduct of the individuals employed; and, particularly, as in no sense depreciating the services of the two gentlemen who preside, as commissioners, over the metropolitan force, with so much credit to themselves and advantage to the public.

The defects of the present system of metropolitan police may be classed under the following heads :

1st. Imperfect consolidation.

2d. Disregard to public convenience, and to economy, in several respects.

3d. Improper admixture of executive and judicial duties in the office of magistrate.

4th. Want of a more extensive summary jurisdiction.

5th. Want of authorized informers, and of peculiar attention to hindrance of crime.

6th. An erroneous system in regard to bail.

7th. Want of a public prosecutor.

8th. The Grand Jury obstruction.

1. *Imperfect consolidation.* It would be superfluous, at this time of day, to adduce arguments to show that the efficiency of the police of a given district, depends mainly upon the force employed within that district being consolidated under one head—so as to preserve uniformity in its regulation and discipline—to establish a proper gradation of officers, and division of duties—and to change the positions and occupations of the functionaries, as occasion may require. This principle, adopted as a matter of course in the army and navy, is equally applicable to the police service; and has been distinctly recognised by the appointment of the central establishment, under the act 10th George IV. But it will be obvious that the consolidation thus effected, is incomplete, whilst various independent establishments continue to act within the limits of the metropolitan district. Each of the nine police offices has a corps of constables of its own, from six to ten in number, for the performance of such duties as the magistrates direct, ordinarily within the district over which they preside. The River police, consisting of nearly 100 officers, also exercises a separate jurisdiction, under the magistrates of the Thames police-office; and the City of London has an exclusive system of day police and nightly watch, in its twenty-six

wards, under the control of the municipal authorities. In these respects the principle of consolidation has not been carried out as it ought.

It has been objected that the incorporation of the constables attached to Bow Street and the other offices with the metropolitan police, would weaken the confidence which the magistrates ought to have in the officers they employ; and that the unity of action between magistrate and constable would probably be impaired. This objection, however, assumes that the police commissioners would not continue to place the requisite number of trust-worthy constables under the magistrates of each office, which, of course, they must do, so long as the magistrates have any thing to do with the issuing of warrants, or the executive department of police. But what is required is, to remove the officers from the control of the magistrates as regards their discipline, and the regulation of their general conduct,—in every thing, in short, except the specific duties in which the magistrates may require their services. What is recommended is, ‘that the constables allotted to the several police-offices now acting independently of each other, should be incorporated with as little delay as possible with the metropolitan police; so that, although under the direct and immediate control of the police magistrates for all the business of their respective offices, and immediately responsible to them for its due performance, they may, as to pay, clothing, and general discipline, be subject to the regulations and ultimate control by which the general body is governed.’* Not the least advantage of this arrangement would be to obviate the feeling of jealousy, and want of cordial co-operation, which, since the establishment of the new police, have been remarked as subsisting between the constables of the old and of the new regime; and to remedy which, we presume, the Secretary of State has lately been accustomed to select the office constables out of the metropolitan force; but as, on such appointments, the constables cease to belong to the metropolitan police, the objectionable principle of disunion then comes into action as much as if they had been chosen out of any other body.

The police of the River Thames is another constabulary force which ought to be united with the central establishment. It has jurisdiction as far as the river runs between the counties of Middlesex and Surrey, Kent and Essex, but is principally employed between Westminster and Greenwich, whilst both banks of the river along the whole of that line, with the adjoining neighbour-

* Report of Select Committee on Metropolis Police. Session, 1884.

hood, are in charge of the metropolitan commissioners. A difficulty has indeed been suggested in the way of consolidation—that the duties of the Thames police are, in many respects, of a peculiar description—relating to the execution of the dock and revenue acts, and to the settlement of disputes as to seamen's wages, and quarrels among colliers, ballastmen, and others of that class. But the executive part of these duties is surely not beyond the capabilities of the metropolitan police; and to suppose any police magistrate incompetent to act in them judicially, would be to pronounce him unfit to be a magistrate at all. Mr Ballantine, the present senior magistrate of the Thames office, and who has been employed there for sixteen years, being asked by the committee whether there was any practical difficulty in the way of the proposed consolidation, replied, 'There is no objection to it on the score of principle, and I think it is quite practicable.*' We shall hereafter speak of the expediency of separating the judicial from the executive functions of magistrates; but it is scarcely possible to doubt that the metropolitan police would work the executive department on the river with better effect than the present force. One witness indeed objected to the change, on the ground that the funds in the hands of the metropolitan receiver would be unable to bear the further charge of the Thames police (£6000 per annum); but this objection was founded on the presumption, that the Treasury allowance would cease to that extent; whereas the proposition, of course, assumes that the Government grant should continue to be paid, only with a different appropriation.

The third defect in consolidation is the most serious of all; namely, the exemption of the City of London from the jurisdiction of the metropolitan police; the police of the city being a separate body under the municipal authorities. Such a distinction is as absurd in principle as if the city were allowed a municipal post-office, the very essence of which department, like that of police, consists in centralization. The city police jurisdiction, as respects crime, has not unaptly been compared to the clergy reserves in Canada—not used by those to whom it is appropriated, and injurious to the neighbouring land-owners. 'So the city authority for the police is a desert in the way of improvement, planted in the midst of the improved system, as if the object had really been to prevent the complete success of the improved system.†' The state of the city police is, in fact, pretty much

* Minutes of Evidence of Select Committee of 1837. P. 94.

† Evidence of Edward Gibbon Wakefield, Esq. before Select Committee of 1837. P. 125.

that of the metropolitan parishes under the old system. The day constables are a distinct body from the night watchmen, who act exclusively within their own wards, and the duties of both are very inefficiently performed. The day police, it is said, are improved; but we are inclined to think that the city corps is, upon the whole, one with which the central commissioners would hardly be disposed to 'march through Coventry.' A wish, it seems, was lately expressed by the citizens to have a sight of their policemen, and an order for a muster in Guildhall was made by the corporation, but we are told that a compliance with this order was considered rather too hazardous an experiment. '*The wards resisted it; they would not show up their men in Guildhall, to show what sort of a regiment they were.*' The following extracts from evidence taken by the Committee of last Session will give some notion of the city system of management.

Mr W. L. Jones, one of the Common Council of London.*

'What is the present state of the police of the City?—I should say it was any thing but good, as respects the night-police; the day-police is very much improved, but the night-police, as respects its arrangement, and the parties employed, is not good, there is such a mixture of individuals; and, looking at the formation of the city, there is nearly twice the ground gone over which would be necessary with a well-regulated police. Here is a street with two men going up and down it, that street dividing two wards, and each being patrolled separately; many of the streets in the city of London are very narrow, one portion belonging to one ward, and one to another; two men are actually doing the same thing in consequence of this.

'Are the men called constables?—Watchmen.

'Are there orders by authority of the wards that the watchmen are to continue to do their duty in their own wards?—They are confined entirely to their own wards; and I have known instances where a robbery has been committed, or a person knocked down, and such has been the pertinacity of the watchman, that he would not go across the street to do what was necessary because it was out of his ward.

'Are many of the men who are employed inefficient?—A great many of them are very inefficient; I can only ascribe their state of inefficiency to a very remarkable circumstance. When the police was agitated, there was a very great wish to have a review of the whole troop of the city; but the wards resisted it,—they would not show them up in Guildhall, to show what sort of a regiment they were.

'Did not an absolute order go from Guildhall to the wards, directing those men to attend muster in the Guildhall?—Yes, certainly, and that was resisted by the authorities in the wards.

* Minutes of Evidence of Select Committee of 1837. P. 109.

'Are there any parts of the day or night in which the city have no police whatever in the streets?—I believe there is, in the morning, and in the commencement of the evening, between the night-watch coming on, and the day-police going off.

'Do you know whether it amounts to as much as two hours at any one time?—It did amount to more than two hours, but it has been better regulated in most of the wards, I believe, now, but still it is upwards of an hour, or an hour and a-half.'

Mr Richard Gregory, a resident in Spitalfields.*

'What opinion do you entertain of the City Police, as it is now managed?—It is a very bad one; very bad, indeed. I may state an instance which I mentioned to the late Lord Mayor, when I was dining with him at the Old Bailey. I asked him what he thought of his police, when a carter jumped out of his cart, and apprehended a notorious thief, with his companion, and two women, who had been plundering in the city for thirty years to my knowledge, and yet had not been taken up, although their conduct was so notorious, that the man jumped out of the cart and apprehended them, and they were convicted at the Old Bailey Sessions while I was there.

'Do you think the parties were known to the police?—Yes, as well as I know every man who works upon my farm.

'What reason have you to assign for their not taking them up?—There are various reasons. In the first place, there is a regular pay system; half of our old police have received more money from the old thieves they suffered to remain, than they have for their services from the public.

'Do you apprehend the same evil is now existing which existed in the time of the old police?—I think nothing else can be expected: whenever I go into the city, I see old thieves I have seen for many years, and they are never brought to justice by the police; they are brought to justice by individuals.

'As compared with what is called the Metropolitan Police, which do you consider the most efficient force, setting aside for a moment the consideration of the inconvenience which arises from having different jurisdictions? The Metropolitan Police is, fifty to one, the best.

'Has not the City Police been new modelled within the last few years?—Yes; but as long as the heads are not responsible for the conduct of their men, it never will be a good police. I may mention as an instance, that there was a City Marshal, not long ago, who was mixed up with a transaction about some stolen property; there was a robbery, at the Royal Exchange, of some watches; there was an application made to an old thief, and the thing was all hushed up, and the property was sent back; the City Marshal still retains his place.'

These statements—which are corroborated by much other

* Minutes of Evidence of Select Committee of 1837, p. 176.

testimony to the same effect,*—are sufficient to show the laxity, and something more, of the police in the *City Reserve*. The patronage of the watchmen is, it seems, in the hands of the Common-Councilmen, who, probably from finding it a convenient means of providing situations for their constituents,† actually frustrated the passing of an Act of Parliament in 1832, whereby the City Magistrates sought to consolidate their night and day-police, and otherwise improve its management. From the Report of the Committee of the Civic authorities on that occasion, we quote the following confirmation of the evidence already cited:—

‘The sub-committee having had before them the returns from the several wards of the number of constables annually elected at the respective wardmotes, and the duties performed by them, they find that a great majority of the constables so annually elected do not execute their office in person, but serve by substitutes, and frequently send their porters and servants to do their duty during the sessions and at executions, to which, with the nightly attendance by rotation at the watch-house of their respective wards, the duties of such constables appear to be, of late years, almost entirely confined; and that no attention is now paid by the constables to the removal of nuisances and obstructions in the public streets, at fires, or other cases of emergency, or upon public ceremonials. They also find that these duties frequently are not performed by the substitutes themselves, but that these latter are in the habit of hiring the night-watchmen, and others, to attend for them.’‡

The Corporation of London profess, undoubtedly, a desire that their police should be reformed, but object to the only measure that is likely to ‘reform it altogether,’ namely, its consolidation with the metropolitan establishment. We have looked in vain for any sufficient reason for permitting the continuance of a local police in the city, any more than in the parish of Marylebone, or any other large district. We really are by no means satisfied by the argument of Mr Alderman Venables: ‘The reason why I would say I claim respectfully the right of the city to have a separate police, is because I find that, for a very long period it has existed, and is in existence.’§ Looking at the question merely in a financial point of view, the city police

* See particularly the evidence of Mr Tickner, and Mr Anderton, members of the Corporation, and of Mr Wakefield, as to the case of *Key Solomons*.

† Evidence of Mr W. Jones, p. 113.

‡ See paper delivered in by Mr Alderman Venables. *Minutes of Evidence*, 1837. p. 145.

§ *Minutes of Evidence*, 1837, p. 141.

is enormously expensive. Upwards of 1000 persons are employed as marshalsmen, watchmen, and constables, and the total annual expense, according to the last return, was L.43,852; of which L.34,924 was levied by direct rates upon the inhabitants, and the residue paid by the City Chamber.* Now the population of the city is about 122,000;† so that the cost of its police is in the ratio of 7s. 2d. to each inhabitant, being very nearly double the cost of the metropolitan police, which, we have seen, is in the ratio of 3s. 8d. per head; and this for a ragged regiment which was ashamed to show itself in muster at Guildhall! According to an estimate made by the metropolitan commissioners, a saving of about L.14,000 a-year‡ would be effected in the present expenditure by the consolidation of the city police with the central force.

It is unquestionably essential to the due administration of justice, not only that the executive police of the city should be placed under the central commissioners, but that the powers of all magistrates, either within or without the city, should be extended, so that they might act indiscriminately for all parts of the metropolis. Can there be a greater reproach to justice, than that riots should continually take place with impunity on the confines of the city, because the central police cannot pursue the offenders within that jurisdiction;—§ that thieves should constantly escape, by passing from the Strand, within Temple Bar, because a warrant from Bow Street has no force in the city, until it is backed by the signature of an alderman? Yet such is the system which continues, we will not say to withstand the reiterated remonstrances of Parliamentary Committees, but to insult the common sense of men. We will not waste words upon it, beyond recalling the strong opinion which a select committee expressed as long as *forty years since*:—‘That it would be unfortunate, indeed, if any local jealousies, founded upon no just

* Return for 1835, ordered by the House of Commons to be printed, 13th June, 1836.

† According to the census of 1831, the population of the 97 parishes within, and the 12 parishes without the walls (exclusive of the Inns of Court, and Trinity in the Minories, which are within the central district), was 121,479, and it is rather on the decrease. Even if we take the population at 158,000, as stated by Mr Alderman Venables, upon we know not what authority, the cost of the police will be in the ratio of 5s. 6d. per head.

‡ Evidence of Colonel Rowan and Mr Mayne, Committee 1834, p. 319.

§ Instances of this occurred in November, 1830, when the late King intended to visit the city; and in March, 1832, on the occasion of the general fast.

'grounds, though entertained by very honourable minds, should continue to deprive, even the inhabitants of the city itself, as well as those of the rest of the metropolis, of that security which a more permanent attendance, and a perfect intercommunity of jurisdiction in criminal matters between magistrates in every part of the metropolis, and of the four adjoining counties, could not fail to produce.'*

We should add, that the bad effects of the comparative impunity existing in the City, arise also in all other parts of the country where no preventive police has been established. No preventive system can be perfect until a regular chain of communication, under one central authority, is kept up throughout the whole kingdom; and to this end a commission has been for some time engaged in enquiring into the means of organizing a rural police. At present the only way of catching a thief at an outport is by despatching a special officer from London to arrest him; and such provincial towns, as have no police, are actually breeding thieves for the London market.

2. *Disregard to public convenience, and to economy in several respects.*—The police offices of London, with the exception of one or two lately built, are small, dirty, and inconvenient rooms.† On approaching them, it is not uncommon to see a crowd of people standing in the street, round the door, unable to obtain admittance, from the fulness of the room; and, when an entrance can be effected, the organs of hearing and smelling are alike offended by noise and by stench. There are rarely any separate waiting-rooms for witnesses; so that they have to stand mixed up with offenders, in the midst of a crowd, often of a very exceptionable character. A modest female, who may be attending as a witness, is thus huddled by the side of a prostitute, a vagrant, or a diseased pauper.‡ We have heard of a robbery committed in the very office. To appear as a witness, or prosecutor in such a place is disagreeable enough, but what must be the feelings of a person of respectability—perhaps innocent—who is dragged as a prisoner into the midst of such a scene? The station-houses in

* Report of Committee of House of Commons, in 1798—repeated by Select Committee of 1834.

† The public office in Bow Street, where the chief magistrate presides, is 28 feet long by 15 wide, and the space of it appropriated to the public is only 15 feet by 14. The waiting-room, in which offenders, constables, and witnesses are placed altogether, is about 19 feet by 10. In other offices there is still less accommodation.

‡ Evidence of James Traill, Esq. Committee 1827, p. 40.

which persons are lodged for the night, when they are taken into custody too late for the magistrate's sitting, and in which they remain the whole of Sunday, are also very bad, not having the means of individual separation; and, as offenders are placed together in considerable numbers,—sometimes as many as twelve in one small, dark cell,—the language and conduct which prevail may be easily imagined.* But the evil does not end there. The Vans which take the offenders to prison, and from thence often back to the police-office for re-examination, are, at present, a very objectionable mode of conveyance; and the chains to which they are sometimes fastened, in walking handcuffed, are still more disgraceful. We quote the following from the evidence of Mr Ward:—

‘The vans will not hold conveniently more than twenty persons; but as one van calls at several police-offices to take up, they sometimes bring twenty-five, and even thirty prisoners and more. Those who go back to the police-office for re-examination, are handcuffed, at the discretion of the turnkeys, in batches of two, three, or four. Men and women sit indiscriminately in the van: when it is very crowded they are obliged to stand, or sit on each other's knees. Women sometimes sit on the men's knees. There is no light in the vans, although the late vans, and, in the winter, the early ones also, travel in the dark. This has led to many irregularities: for instance, I have heard of a man taking indecent liberties with a woman in the van, and giving her half a sovereign in consequence; also, of a prisoner having been robbed of his watch in the van, and of another prisoner being robbed of his pocket-book and gloves in the van, when there were thirty-four persons in it, and they were found upon the person of the prisoner who sat next him. Such things are very possible now. The prisoners in the van are many of them drunk,—so drunk that they cannot walk to the receiving-room without assistance. The women are often so drunk that when put to bed they are sick over the bedsteads. Some prisoners are not only filthy with vermin, but ragged to an indecent degree. Prisoners of the more respectable kind naturally complain of the vans, and I think they ought to be fitted with several compartments, in order to separate the more decent from the filthy and drunken prisoners: at all events, male prisoners ought to be entirely separated from females.’ ‘Prisoners are not invariably removed from the police-offices in vans. Between Hatton Garden office and Clerkenwell prison, they walk handcuffed

* The station-house in Bow Street has only twelve cells, the dimensions of which are from ten to twelve feet long, by about eight wide, and seven feet high. There are seldom less than twenty persons locked up in the station-house nightly, and on a Sunday night the number in custody has exceeded one hundred! The total number of police station-houses is about fifty.

and fastened to a chain. Five or six men, and probably the same number of women, are thus fastened together, and exposed to the public gaze, in a manner which must be most painful to any decent prisoner. Persons have been known to give the prisoners drink as they passed along with the chain. I understand that prisoners have been brought to Clerkenwell in this way, from still greater distances, even from Kensington.*

So barbarous a practice as this of the police chain, reminds us of old stories in the Newgate Calendar, rather than of the improved notions of modern times. And indiscriminate association in the police-offices, and station-houses, appears inconsistent with that principle of individual separation, which has been expressly sanctioned by Government in regard to prison discipline.† Nothing would be more practicable than to keep prisoners apart in every stage of police; and the fears entertained by some of injury to health, would here, at least, have no application.

The situations of the nine police-offices seem to be by no means those most conducive to the public convenience. The Lambeth Street and Thames police-offices, for instance, are very near each other, and the Union Hall office is close to the Town Hall, Southwark, whilst there is a large district, west of Union Hall, and another between Queen Square and Kensington, which is insufficiently provided for. It appears, moreover, that there is one, if not two offices, more than necessity requires; since the Lambeth Street office might be easily incorporated with the Thames police, and by removing the Union Hall office farther west, and adding a little to the Marlborough Street, or Bow, Street district, the Queen Square office might probably be dispensed with also.‡ The expense of a police-office is on an average L.4000 per annum, and there seems room for economy, not only by a better distribution of the offices, but by dispensing with the attendance of *two* magistrates, in a great number of trifling cases, where the presence of two are now required; whereby some reduction in the number of magistrates employed might be effected. We have the unanimous testimony of several police magistrates, and other experienced persons, that the public do not consider the presence of a second magistrate as of the slightest importance, but on the contrary are often disappointed, because

* Statement of John Ward, Esq. Minutes of Evidence, 1837, p. 191.

† See Lord John Russell's excellent Circular, dated 15th August, 1837, prefixed to the 'Extracts' forming the second publication at the head of this article.

‡ See Evidence of S. M. Phillips, Esq. and Sir F. Roe. Minutes, 1837.

a case cannot be heard until a second magistrate arrives. Our own opinion is, that where the responsibility is divided, the decision is more likely to be erroneous than where it emanates from only one. It must, however, be borne in mind, that if the summary jurisdiction of magistrates were to be extended, as we shall presently propose, their labours will, of course, in that respect, be augmented. But, on the other hand, it is a part of our plan to confine them strictly to their judicial duties, and, in the opinion of one at least of their own body, the magistrates are far from being overworked at present. 'I think,' says Mr Traill, 'the magistrates are not sufficiently worked to be good public servants: it appears to me that a man who has one-third of his time wholly unoccupied, one-third partially, and only the other third fully occupied, is not sufficiently employed about his duty. I do not speak that reproachfully of myself or any other person; but speaking from my own personal feeling, I am more able to do work if constantly employed, than if I am only occasionally employed: I find the more work I have to do, the better I am able to do it; it is not a reproach upon myself and my brother magistrates that we are not sufficiently worked; for we have no more work to do.'*

3. *Improper admixture of Executive and Judicial Duties in the office of Magistrate.*—There is no more important principle in jurisprudence than that of the separation of the judicial from the executive, or ministerial functions. The truth of the proposition is almost self-evident. If a law were to be made for uniting the duties of judge and sheriff, of justice of the peace and constable, in the same individuals, it would not only be found impracticable to perform them properly, but the very attempt would produce the most ridiculous confusion. Such a scheme would certainly be scouted as absurd, as well as mischievous. But many of our readers are not perhaps aware that, at this time, the functions of the constable, or executive officer, are actually performed by the police magistrate, to a considerable extent. Much of the magistrate's time is occupied in advising and directing the police officer in getting up evidence—in shaping cases upon which the same magistrate afterwards commits for trial, or summarily convicts. The magistrate hears an *ex parte*

* Evidence of James Traill, Esq. (magistrate at Union Hall). Minutes, 1837, p. 39.

statement; upon that statement he issues his warrant or summons to bring the offender before him. When the case comes on to be heard, there is perhaps not sufficient evidence to justify a committal, or bring the offence within some act of Parliament; the prisoner is therefore remanded for further examination, (with probably an observation from the bench, that a week in gaol will at all events do him no harm); and the magistrate thereupon instructs the officers what evidence should be hunted up in the mean-time. We remember it was the habit of Lord Eldon, in adjourning his decisions, often to say—‘ Let the case stand for such a day; and if I could see an affidavit of such and such facts, it might remove much of my present difficulty.’ The day appointed arrived, and lo! the affidavit was always forthcoming, though not perhaps the judgment. The police magistrates, however, do not seem to be always so successful in obtaining the testimony they desire, for prisoners are remanded not once only, but twice, thrice, and oftener.* This practice, which subjects persons to the misery and contamination of a gaol, before there is any evidence of their guilt, is much to be deprecated; but the gist of our present objection is to the interference of the magistrate in getting up a case, in which he himself afterwards acts judicially, either by committing for trial, or summarily convicting. We hold that a magistrate ought to have no previous knowledge of a matter with which he has to deal judicially; and that his functions ought not to exceed those constitutional duties which the existing law defines clearly enough, viz.—the conservation of the peace, by requiring sureties, according to the terms of the commission; the investigation of offences for trial, and committal of the offenders; the exercise of the power of summary jurisdiction under special statutes; and that of the judicial function at quarter-sessions.† We therefore entirely concur in the opinion expressed by several intelligent magistrates,‡ that the whole executive duty of preventing and detecting crimes should be thrown upon the metropolitan police, and the magistrates be confined strictly to the passive adjudication of the cases which the police might bring before them. The catching the thief, and getting up of evidence

* We have before us the Daily Police Report for 29th November last. The number of offenders charged at the nine offices was 70, of whom 27 were remanded for further examination, 27 discharged, and 16 committed for trial, or summarily convicted.

† Blackstone's Commentaries. Book I. Chap. 9.

‡ Mr Traill, Mr Ballantine, Mr Disney, &c.

against him in the first instance, might, in an improved state of the criminal law, be delegated to a particular department of the police, in the same way as, in a later stage of the proceedings, it ought to belong to the office of public prosecutor. There are now many magistrates who very properly decline to act at quarter-sessions in cases where they committed the offender for trial at such sessions; and, by a clause in the Municipal Reform Act, committing magistrates in towns are actually prohibited from so acting. The principle we contend for is precisely the same as that recognised by the Municipal Act. It might perhaps be desirable that the police magistrates should not be entirely divested of the power of granting warrants, but it should be reserved for special cases; and the general rule should be that warrants should be applied for to the metropolitan police, who have now in fact the legal right to grant them, though it is not their practice to do so under present circumstances. It will be observed that the proposed separation of duties would altogether supersede the necessity of having a distinct body of constables attached to each police office, and therefore facilitate the consolidation of those constables with the central police, as already recommended.

The intermixture of duties has an obvious tendency to diminish the public respect for the judicial character. The hunting up thieves is a most useful, but far from a dignified office; and to relieve the police magistrates of it would be a much surer way of securing their respectability, than the raising of their salaries, as some have suggested. The pay, no doubt, should be adequate to the duties; but the public confidence and respect must be obtained by more substantial improvements than either raising the magistrate's salary, or the still more notable expedient of making him wear a wig and gown. We will confess, that we could not resist a smile at the importance attached by two gentlemen examined by the Committee, to the bar-dress. 'I have too much respect,' says one of them, 'for the bar-dress, not to feel a pride in wearing it, whenever I have an opportunity. I think it would add dignity to the Court.' Now, when a particular dress is, by long usage, associated with an ancient office, as in the case of the antique mask of the judges, there is an intelligible reason for continuing it; but it is rather too late in 1838 to begin, for the first time, to decorate the police magistrates with wigs and gowns. It is not the costume, but the conduct of the magistrate,—his firmness, discernment, and freedom from all suspicion of bias,—that are the real guarantees of his weight and character in public estimation. Nor ought the magistrate to be

regarded in the light of a mere lawyer, but as one well acquainted with the world and with human nature;—well versed in the character, the habits, and feelings of the population with whom he has to deal; and able to guide and control them by the influence not only of his legal dignity, but also of his moral superiority.

4. *Want of a more Extensive Summary Jurisdiction.*—The investment of justices of the peace with the power of summary conviction—a power unknown to the old law of England—was the commencement of a new era in our criminal jurisprudence. Mr Justice Blackstone describes it as ‘an institution designed professedly for the greater ease of the subject, by doing him speedy justice, and by not harassing the freeholders with frequent and troublesome attendances to try every minuté offence.’ The learned commentator was not, however, without his alarms, from the new institution having been, in his time, ‘so far extended, as if a check be not timely given, to threaten the disuse of our admirable, and truly English, trial by jury.*’ No such check was given, but, on the contrary, the summary power has, by recent statutes, been very greatly enlarged; and yet trial by jury continues to be used and appreciated as highly as ever. The summary jurisdiction of magistrates, in certain cases of stealing, of injury to property, and of assaults,† as well as under the revenue, game, vagrant, poor, police, and other laws, is now so wide, that the number of offenders imprisoned under summary convictions, greatly exceeds those committed under the sentences of courts. Of 87,245 criminal offenders who entered the prisons of England and Wales in the year 1836, no less than 53,270, or about sixty per cent, were summarily convicted.‡ Taking the inmates of a few prisons selected fortuitously, we find the proportion at a given day to be as under:—

* Mr Bentham’s account of the change runs thus:—‘Mean-time the exigencies of society had given birth to new courts, in the practice of which the natural mode of proceeding was revived; in particular, the courts filled by justices of the peace acting out of general sessions at their own houses. Courts pursuing the ends of justice, presented an odious and formidable object of comparison and standard of reference, to courts pursuing the ends of judicature. The precedent was alarming; they could not be too anxiously kept under and discountenanced.—*Rationale of Judicial Evidence*, Vol. IV., p. 134.

† See Acts 7 and 8 Geo. IV., c. 29 and 30, and 9 Geo. IV., c. 31.—

‡ Second Report of Inspectors of Prisons, 1837.

	Total Number in Custody.	Number of Summary Commitments.
Westminster Bridewell,	236	187
New Prison, Clerkenwell,	196	122
Aylesbury County Gaol,	172	74
Springfield ditto,	238	93
Hertford ditto,	171	89
Maidstone ditto,	303	182 *

And we have no doubt that, in prisons used exclusively as houses of correction, the proportion must be still greater. The committals to assizes and sessions in the last year were only 20,984; so that the remainder, after making allowance for those bailed, were imprisoned without ever going before a jury. If, therefore, the summary jurisdiction of magistrates be already so wide, without any apparent prejudice to the institution of trial by jury, there can, we apprehend, be little danger in extending it somewhat further; and we proceed to state briefly the reasons why we consider that the police of the metropolis would be materially improved by such an extension.

The great majority of cases sent to a jury by the police magistrates are those of common depredation, or larceny. The culprits, often mere children, are usually obliged to await their trial in gaol; for it rarely happens that persons of this class can find bail for their appearance at the trial. The gaol, as is well known, is a school of vice; but in it the offender may remain several weeks, even under the present more frequent system of sittings of the Central Criminal Court—and if in the country, several months. When the trial comes on, the lapse of time—the intervention of the Grand Jury—and perhaps some crotchet of the Petit Jury, increase the chances of escape, as the large proportion of acquittals sufficiently proves. The moral effect of the punishment on the bystanders is, in a great degree, lost by its postponement; whereas '*culpam pœna premit comes*' is the only true specific in such cases. Besides which, jury trials entail inconveniences on the parties and their witnesses, and a considerable expense on the public. The only good reason against the decision of such matters on the spot, is the supposed incompetency of the magistrate; but if he is fit to pronounce the decision, then both the public and the individual suffer by the case being sent before another tribunal. '*Under natural process*,' says Mr Bentham, 'the parties present in court, the first

* Statement of Mr Ward. Minutes of Evidence, 1837, p. 193.

† Criminal Tables for 1836.

'thing done' is to hear the evidence. If the cause affords no evidence but that of the parties, or none but what they have brought with them, then the whole of the evidence is heard at that one time, and the cause is already ripe for decision. To what end send it for decision to any other court? Certainly to 'no good end.*' Now, no reasonable doubt exists of the fitness of the police magistrates to determine all cases of so common a description as simple larceny. A man is seen to pick a pocket, or rob a shop window, and the thing stolen is found upon him. Where is the difficulty, in fact or in law, in such a case, that should prevent the police magistrate from promptly punishing the offender? The state of the law, as respects summary convictions, is founded upon no rational principle; for, although a man may be punished summarily for stealing a growing tree,† yet, if he steal an apple blown off that tree, or a fagot made of its branches, he can only be tried by a process applicable to the highest crimes. The reason for this is a mere technicality—the one being a *trespass*, the other a *felony*. Nor is it the only instance in which the absurd results of following a technical nomenclature as a guide in jurisprudence are apparent.‡ Whether the mystical name of felony be or be not preserved is very unimportant; provided a summary mode of trial be established for petty offences; and we concur in the opinion offered to the Committee from several quarters, that cases of simple larceny, viz. thefts committed without violence, should be the class selected for extending the jurisdiction of the justices of police. Other offences might at a future time be brought within the same category; but thefts form so prominent a portion of the crimes committed in the metropolis, that the effect of the change, as regards them, would be a very material one. And the necessity of it is strongly corroborated by the fact, that it has become the habitual practice of the police magistrates to deal with cases of larceny by affecting a summary power under a forced construction of some statute, such as the Vagrant or Local Police Act,—in order to save the expense and inconvenience of jury trials in trifling matters.

* *Rationale of Judicial Evidence*, vol. iv. p. 144.

† 7 and 8 Geo. IV. c. 29.

‡ 'Where the punishment rises to a certain pitch, the offence is called a felony: below that pitch, it is called a misdemeanour. Without end—less details, any more precise account would be impossible.'—*Rationale of Judicial Evidence*, vol. ii. p. 308. There is, however, a common-law doctrine that felony works a forfeiture, which might properly be abolished in cases of summary conviction for larceny.

Many an offender is sent to prison as a 'reputed thief,' or as 'frequenting such a street with a felonious intent,' when, according to the true meaning of the existing law, he ought to have been either discharged or committed for trial. But the practical effect of this forced application of the law is, we are convinced, so beneficial, that we desire to see the assumed power legalized as well as extended.

The expediency of enlarging the summary jurisdiction seems to be now generally conceded; but some difference of opinion is entertained with regard to the details of the measure—such as, whether it should be limited by the age of the offender and the value of the thing stolen—how far any right of appeal should be allowed—and whether a small jury, say of five, should not be summoned, instead of leaving the conviction entirely to the magistrate. Upon the first of these questions, it must be admitted that the ordinary proceedings of the courts of assize and sessions are peculiarly injurious in the cases of juvenile offenders; and their cost is peculiarly disproportionate where the thing stolen is of trifling value. These considerations induced the Criminal Law Commissioners, in reporting upon the treatment of juvenile offenders, to recommend the extension of the summary powers of magistrates to charges of larceny, where the value of the property does not exceed 10s., nor the age of the culprit fifteen years.* Before extending this jurisdiction generally, there would, no doubt, be much prejudice to encounter, and the necessity of protecting valuable property might perhaps create some alarm, if it were proposed to withdraw all offenders of this class from the ordinary tribunals; but almost every witness examined before the Committee of last Session was in favour of the extension to all cases of larceny, without reference to age or value. 'The value,' says an intelligent magistrate, 'has nothing to do with it at all: it is a question of the man's guilt or innocence, and it does not matter whether he is guilty of stealing L.10 or 1s. With reference to age, also, I think that does not constitute a legal distinction: for a boy of fifteen has as much right to be tried by an infallible judge, if there is such a thing, as a man of fifty.'† It is not necessary to give an opinion here in reference to the enlargement of the magistrates' powers throughout the country generally; because that question is intimately connected with the subject of local courts; and it is a very different thing to extend the jurisdiction of the county magistracy, who, as at present constituted,

* Third Report, received 10th March, 1837.

† Evidence of James Traill, Esq. Committee, 1837, p. 41.

are dangerous holders of power; and that of the more regular and efficient tribunals of the police magistrates of the metropolis. The question turns entirely upon the competency of the tribunal; and the fitness of the police magistrates to dispose of all charges of larceny is the best reason possible for intrusting them with that jurisdiction. The best distinction in regard to the juvenile depredators of London would be the empowering the magistrates, in many cases, instead of imprisonment, to order them to be whipped and discharged. In reference to an appeal, the only reason for allowing it is that of satisfying the scruples of objectors; because it is obvious that the appeal involves the necessity of submitting to the erroneous judgment until it is heard, and implies an incompetency in the magistrate, which ought to incapacitate him from acting at all. Nor do we see that any benefit would arise from the assistance of a small jury, at all corresponding to the loss of time which would thereby be occasioned to the jurymen. Still, for the sake of the summary trial, we would concede the point of a jury of five, rather than forego the promptitude of decision.

A great difficulty in the way of magistrates, whether paid or unpaid, is undoubtedly the confused and inconsistent state of the laws which it is their duty to administer. The Criminal Law Commissioners are endeavouring to obviate this by the compilation of a Digest, which, though it might create some new difficulties, would clear away much learned rubbish, and be infinitely preferable to the innumerable statutes, general and local, through which a magistrate has now to wade. The Metropolitan Police Commissioners, to obviate the inconvenience, have in the meantime framed a code of rules for their own men, which, in the absence of any legal code, we understand, works well, and shows the necessity of legal consolidation.

There are several other matters of a civil nature which might be placed under the jurisdiction of the police magistrates, with great benefit to the poorer classes, who are continually applying at the police-offices for redress, and are referred by the magistrates to the courts of law. But every one knows that the expense of an action at law can rarely be less than L.20, and much more frequently exceeds that sum; consequently the courts at Westminster are practically inaccessible to the poor. Since it has been the rule to appoint barristers exclusively to the situation of police magistrates, the police-offices have become very convenient tribunals for the administration of cheap justice, civilly as well as criminally; and if they were placed on an entirely judicial footing, we can imagine no court more fit to deal with the cases of which we speak. The following are instances:—exces-

sive or irregular distresses by landlords or brokers; wilful damage committed by tenants; refusal to quit possession by tenants whose term has expired; unlawful detention of tools, servants' boxes, or effects of deceased persons, of small value; disputes between masters and domestic servants; injuries from dogs and other animals; and various matters of a similar kind, in which applications for relief are constantly made at the police-offices, and, of course, in vain.* To these may be added the want of power in the magistrates to restore to the owner stolen goods in the hands of third parties, whereby the real proprietor, rather than risk an action, frequently submits to the loss of his property. In all these cases, we cannot anticipate the smallest danger or inconvenience from substituting a cheap and summary remedy for the costly and tardy one afforded by the regular courts. 'For what is a summary mode? It is a mode in and by which an efficient decision is obtained, with a less quantity of delay, expense, and vexation than that which is attached to the other mode, termed the regular. To the use, then, of the regular mode, a quantity of collateral inconvenience attaches, which does not attach upon the summary mode. From this single statement, admitting it to be true, follows a necessary consequence, viz.,—that unless, under the summary, there be some deficiency in respect of the security against misdecision, and that deficiency such, that the mischief of it is of a magnitude to outweigh the advantage obtained by the defalcation from the mass of collateral inconvenience in the shape of delay, expense, and vexation, the existence of the regular mode, be it what it will, is an enormous nuisance. Is the summary mode then attended with any such disadvantage? Is the regular mode attended with any such disadvantage? If so, in what particular respect? What are the arrangements which, being necessary to the giving the completest security that can be given against misdecision, are to be found in the regular, and not to be found in the summary mode? The question is a conclusive one; no answer has ever been—none will ever be given to it. All the wits of all the lawyers would sink under the task.'†

5. *Want of authorized informers, and of peculiar attention to the hindrance of crime.*—It is pretty clear that the best directed penal legislation must, in a great degree, fail of its effect, unless

* See particularly the evidence of Mr Traill, and the amendments of the Police Acts suggested by him.—*Minutes of Evidence, 1837.*

† *Rationale of Judicial Evidence*, vol. iv, p. 11.

means be taken to secure the observance of the thing required; by enforcing the penalty ordained for its infraction. A penal law loosely enforced is a sort of lottery in which offenders speculate; and it is remarkable how accurately they calculate their chances of prosecution and escape. The nearer to certainty the infliction of a penalty can be brought, the more powerful will be its influence in deterring from crime, and the stronger its foundation in justice. These considerations seem to have been entirely lost sight of in our criminal system, for the enforcement of the execution of penal enactments is, as it were, nobody's especial business; it is not committed to the police as a part of their duty, nor is there any recognised authority for the prosecution of the delinquents. The consequence is, that a trade is carried on in laying informations by a class of unprincipled and degraded persons, whose end, of course, is not that of justice, but to fill their own pockets. It is notorious that these common informers, whilst they profess to enforce, do in fact frustrate the law to a considerable extent, by levying hush-money for their connivance at its violation. They often take up cases for the express purpose of compounding them (the act against compounding offences not applying to informations before magistrates), and it is observed that they confine their attention to those offences which have large penalties attached to them, or where the informer is entitled to a fixed portion of the fine. The information trade has consequently become so odious, that parties aggrieved are reluctant to appear in court as informers; and in this way many offences are daily committed which are never brought under the cognizance of the magistrates.

To remedy these evils, it has been proposed to empower the magistrates to lessen the informer's share of a penalty when his conduct may appear questionable; to prohibit in all cases the compounding informations; and to license the informers, or make them give security for costs in case of failure in proof of the charge. It appears to us, however, that the true way of stopping the free trade in informations is to employ, as regular and responsible informers, a branch of that force in whose department the duty properly lies,—namely, the metropolitan police. The office would thereby lose its odium, because the informations would be laid as a matter of regular duty, under the superintendence of the commissioners, and not merely for gain. Perhaps a portion of the penalty might be given to the informing officer, as a stimulus to activity; but the expediency of this the discretion of the commissioners would best determine.

An opinion was expressed to the committee, that it is rather in the *detection*, than in the *prévention* or *hindrance* of crime, that

the new police has been found useful;* and the distinction thus drawn is, we think, correct. The central police has materially increased the facilities for detecting offenders, and the ready assistance it affords is generally acknowledged. It does not act upon that mercenary system, under which it was necessary to bribe the officer, in order to secure his exertions, although it is still, unfortunately, the practice to pay the constables attached to the offices for special services. But the consolidation of the whole police force of the metropolis, as above recommended, will go far to extinguish this corrupt system. What we consider a prominent defect in the proceedings of the central police is, that 'flash-houses,' as they are termed, continue to exist in all parts of the metropolis, where thieves congregate, conceal themselves when necessary, and meet receivers of stolen goods. The premises of these receivers are not sufficiently searched; and it might be desirable that the higher classes of police-officers should be armed with authority to search, in the nature of the writs of assistance used by revenue officers, to prevent the delay of applying for a magistrate's warrant. There are persons also who regularly seduce, and instruct youth in the ways of crime, and who pursue their abominable vocation with little, if any interference on the part of the police. The officers should be legally invested with a power (which they often find it expedient to assume without law) of apprehending, without a warrant, all persons whom they have just cause to suspect of evil designs. The idea of any danger to popular liberty from the exercise of such power by a well-organized police, is perfectly chimerical. There is also a class of places resorted to by the rich, as well as the poor, the better regulation of which would have a decided tendency to improve the morals of society. We refer to the gaming-houses, brothels, and various unlicensed places for drinking or amusement, open chiefly at night, with which the metropolis abounds. Places of this description can at present only be prosecuted by indictment; whereas they ought to be brought under the summary control of the police magistrates, by enabling them, at their discretion, to fine persons keeping or using such establishments. The French legislature has taken the bold step of enacting that no gaming-house shall legally exist in France after the year 1837. It remains to be seen how far the 'hells' of Paris will really be suppressed by this strong measure. We fear that, whilst a disposition for play pervades the higher classes, it will be difficult to check the gambling-houses effectually, either in London or Paris. Still,

* Evidence of E. G. Wakefield Esq. Committee, 1837, p. 121.

by vigilance on the part of the police, and the exercise of a sound discretion by the magistrates, some of the lower class of 'hells' might be rooted out, and many a servant, or small tradesman, saved from ruin. Again—although the only effectual preservation of public morals consists in sound moral education—and the result of absolute prohibition of immoral places of resort has, in other countries, been too often found to give rise to a system of concealment which has led to worse crimes,—yet, the openness with which female prostitution exhibits itself in our metropolis, might be easily restrained within more decent limits, instead of being permitted to disgrace the public places of amusement resorted to by modest women.* And if all other places of resort of an ambiguous description were subjected to the summary jurisdiction of the magistrates, and the constant visitation of the police constables, no doubt can be entertained that a large proportion of the crimes, which originate from such irregular haunts, would not be committed. The object is to prevent the noxious seed from being sown; but if it has once entered the earth and taken root, it is too late for *prevention*. We have then to eradicate the poisonous weed as we may.

6. *An erroneous system in regard to Bail.*—'The nature of 'bail,' says Blackstone, 'is a delivery or bailment of a person to his sureties, upon their giving, together with himself, sufficient security for his appearance; he being supposed to continue in their friendly custody instead of going to gaol.'† That it is founded in a humane principle we will not dispute,—nay, we approve entirely of the recent extension of the magistrates' power of taking bail to all cases of felony. But we think the effect of the law has not been sufficiently considered, which requires sureties to be produced in a multitude of cases wherein the offenders are wholly unable to find them, and in default, subjects the parties to imprisonment. For instance, a person taken into custody by a police constable after the magistrates' office is closed, is brought to the station-house, and (although there is a power in the Police Act in cases of petty misdemeanour) the constable on duty will not, as a general practice, take the personal recognisance of the party for his appearance, but he is obliged to re-

* We cannot here enter into details to show of what nature ought to be the interference of the police in regard to public prostitutes, but some useful lessons may be learned from *Parent-Duchatelet's* valuable book, '*De la Prostitution dans la Ville de Paris*.'

† Commentaries, vol. iv., book iv., c. 22.

main in the station-house for the night, until the morning sitting of the magistrates, amidst all the evils and inconveniences of that place already described.* Now, considering the nature and motives of many of the charges made at the station-house, and that a great proportion of them are never followed up by the prosecutors, but are made in a moment of excitement without any sufficient grounds, a large amount of unnecessary suffering is caused which might be dispensed with, if the party making the charge were invariably required to enter into his personal recognisance to appear and prosecute before the magistrate; and upon refusal of the charging party so to do, then, if the constable on duty were empowered to take the *personal* recognisance of the party for his appearance in the morning before the magistrate, in all cases, even of felony, except those of a very grave nature. We say *personal* recognisance, because not only is the chance of the offender's decamping often improbable, but the refusal of the charging party to give his recognisance to prosecute must always raise a strong presumption that the charge is frivolous. It must, of course, be assumed that the officers placed at the station-houses must be men of adequate discernment to distinguish the class of offenders who ought properly to be debarred from the privilege recommended. But even if an offender should now and then escape, the evil would be less than that of the present needless confinement of a number of persons every night, *and the whole of every Sunday*,* in the station-houses; and we are glad to see that the police magistrates examined before the Committee, agreed unanimously in their sense of the evils of the present practice.

The evil noticed is, however, as nothing when compared with the mischiefs resulting from a state of law which, in a vast number of cases, requires petty offenders to find sureties, either for their appearance at the trial, or for good behaviour, and in default, consigns them to *the common gaol*. Now, not only is it a common occurrence, that individuals in the upper and middle ranks of society are thus incarcerated for want of time to make the requisite arrangements for procuring sureties; but the situation

* Evidence of Messrs Hardwick, Traill, and Ballantine.—Committee 1837.

† In Mr Bentham's opinion, Sunday should be a justice-day like all others. We do not at all events see that it would be any desecration of the Sunday, if a police magistrate were to sit at each office in the early part of the morning, to dispose of as many as possible of the Saturday night charges. It would be a work of humanity if not of necessity.

of the great majority in the humbler walks of life is such as to render the procuring of bail a thing to them next to impracticable.* There are persons to be seen in our prisons who have been there, not months only, but years, for want of sureties to keep the peace, on account of a drunken row, or a family quarrel. In a *gaol* there is no corrective discipline or obligation to labour, as in a house of correction; and under the present system of prison management, offenders for bail, like the untried, live in association,—the unfortunate prisoner who has previously led a blameless life, of whatever age or sex, being obliged to mix indiscriminately with a large company of persons, among whom are to be found some of the filthiest of mankind, and the most hardened of offenders. That such intercourse has a direct tendency to the promotion of crime is perfectly obvious; and many of the bail cases are not only full of hardship, but of downright cruelty to the parties, and wastefulness of the funds of the county. We cannot help quoting the following instances of offenders found in *gaol* for bail only, being well assured that (with the exception of the one last mentioned) they are by no means rare or peculiar.

‘J. C. in Clerkenwell prison, aged 17, committed for want of bail on charge of an indecent offence with a man who gave bail, but it was expected would not appear at the Sessions. *The boy, however, remained in the mean-time in prison.*

‘S. S. committed to Westminster Bridewell, first to the house of Correction department with hard labour for three months, and afterwards to the *gaol department without labour*, for twelve months, for want of bail.’ The absurdity of this is too glaring to require comment.

‘H. S. a female in a state of derangement, had been in Aylesbury *gaol* seven months for want of bail.

‘J. A. an idiot, in Springfield *gaol*, for want of bail.

‘D. A., aged 50, has been in Chelmsford *gaol* twenty-two years for want of bail, to keep the peace towards his own father. He is regularly employed in the service of the prison with his own consent, and has even been sent on errands into the town. *His situation is so comfortable that he appears to have no wish to leave it.*

We have no hesitation in saying it would be preferable to discharge on the spot the whole of the persons now incarcerated in the metropolitan *gaols* for want of bail, than to continue the pernicious system of an imprisonment in no degree penal or reformatory, and almost infallibly corrupting. It is not necessary,

* See second Report of Inspectors of Prisons, Home District, 1837.

† Statement of John Ward, Esq. Minutes of Evidence, 1837, p. 192.

however, to go that length. In regard to those individuals against whom there is proof of a breach, or threatened breach of the peace, and who, in default of sureties, are now committed to the common gaol, for long definite or indefinite periods, an obvious improvement would be to empower the magistrate to sentence them *for short periods to the House of Correction*; or, at his discretion, to take their personal recognisance for good behaviour. Many of those also, who are now called on to find sureties for appearance at the sessions, might safely be let go upon their own recognisances, and the lesser evil, would often be to run that risk. We should hope, however, that by increasing the summary jurisdiction of the magistrates as before proposed, the number of this latter class would be materially diminished. The general proportion of prisoners owing their imprisonment to the bail system is, we think, greater than is commonly supposed; for, on turning to the official report of Clerkenwell new prison (the great receptacle of this class for the county of Middlesex), we find the numbers on the day of inspection were:—

Under examination	52
For bail . . .	122
For trial, &c. . .	22
	196*

Another defect in the bail system is, that although the magistrate can take bail for any felony or misdemeanour when the depositions are complete, he cannot do so previously, and is consequently obliged to remand the offender to prison until further examination. This remanding frequently takes place several times successively, and the prisoner, in the mean-time, perhaps for many weeks, undergoes the miseries of a gaol, although the result may be that there is not sufficient evidence to warrant a committal. This defect might easily be remedied by giving the magistrate the power of taking either sureties, or, at his discretion, a personal recognisance, as soon as the offender is before him. We trust that the whole law as regards bail will undergo the serious revision it requires. The enactments, we know, are various and multiplied; but, as in other matters, reform will not be found difficult, when the need of it is clearly brought under the cognisance of the legislature.

* Second Report, Inspectors of Prisons, Home District, 1837.

7. *Want of a public prosecutor.*—It does not require any long study of jurisprudence in order to discover that no system of criminal judicature can be complete, which does not comprehend a Public Officer charged with the duty of bringing offenders to justice. In Scotland this important office is exercised by the Lord Advocate and his Deputies, whose business it is to attend to prosecutions on behalf of the crown. But, in England, the wisdom of our ancestors has not provided any such public functionary, consequently the prosecution of crime is the business of nobody but the injured individual. The person who is already the sufferer is obliged to undergo the further hardship of attending the police magistrate, during, perhaps, several examinations previous to committal—afterwards to go before the Grand Jury—and lastly to appear as a witness on the trial. A great loss of time is thus entailed upon him, to say nothing of vexation and expense, with no corresponding benefit to himself individually, the offence being in reality against society at large; whilst the placing the prosecution in the hands of a private individual seems to assume that he is the only party benefited by the conviction of the offender. That the imposition of this burden upon the aggrieved individual has a tendency to prevent many offenders from being brought to justice, cannot be doubted.* The reluctance of prosecutors is generally very great; and it has been remarked by an experienced officer, that there are very few persons who have gone through a criminal proceeding that would ever complain a second time; and that nineteen out of twenty persons who have encountered the ordeal of examination and re-examination at the police-office, thence before the clerk of the Central Criminal Court taking the notes for the indictment, thence to the Grand Jury, and thence before the Petty Jury, would never be found to undergo it again.† Prosecutors are in fact either novices in that occupation, or are actuated by feelings of a vindictive nature, than which nothing can be more objectionable. Nay, the circumstance of the same person appearing as prosecutor and witness cannot but expose his testimony, in many cases, to suspicion; for even if he harbour no desire of vengeance, no man likes to fail in an undertaking carried on under the eye of the public. A man cannot be both plaintiff and witness in a civil action;—why should he be per-

* The average number of offenders annually discharged at assizes and sessions in England and Wales during the last three years, for want of prosecution only, has been 400. (Criminal Tables, 1834, 5 and 6.)

† Evidence of J. Hardwick, Esq. Minutes, 1837, p. 56.

mitted to be so in a criminal one? Because, say the lawyers, the indictment runs 'against the peace of our Lady the Queen.' But we would humbly submit the propriety of employing, not the witness, but a proper legal officer, to conduct her Majesty's business in this department.

We have already suggested the vesting in a branch of the police the duty of getting up the evidence requisite to obtain a committal, or summary conviction, by the magistrate. Whether this preliminary duty should be superintended to any, and what extent, by a public prosecutor, or whether his functions should commence after the committal by the magistrate, is a matter of detail which we are not called upon to determine. But the establishment of such an officer does appear to us to be essential to the due administration of justice in England; and more than ever so, since the law came into operation which allows prisoners the benefit of counsel. Cases are continually lost, where the evidence is perfectly clear, from the want of some person to look after the prosecution; and so much has this want been felt, that it is now the practice of the chairman of the quarter-sessions in the West Riding of Yorkshire, to direct the clerk of the peace to prosecute every case of felony which comes before him; *—an example which indicates plainly enough the little reliance to be placed on individual prosecutors, and the necessity of vesting so important a trust in a responsible public officer. In its effect on the prevention of crime, the very fact of certainty of prosecution could not but operate favourably, by removing one of the main chances now to be calculated on in favour of a criminal's escape. And it is needless to say, that, in the metropolis, this effect would be proportionably greater than in the less populous districts.

B. The Grand Jury Obstruction.—Before the abolition of this tribunal, there would be much prejudice to encounter, and it would be premature to attempt it, until the office of Public Prosecutor should be established. But we have no hesitation in saying, that its operations, in their effect upon crime, are often mischievous, because they add a chance of escape to the many others which combine to frustrate the exertions of the police. As a security to individual liberty, the tribunal is of very little use, because, even if the committing magistrate should have acted oppressively, the remedy offered by the Grand Jury comes too late to prevent the intermediate imprisonment. The inten-

* Evidence of James Traill, Esq. Minutes of Evidence, 1837.
VOL. LXVI. NO. CXXXIV. 2 C

tion of a Grand Jury was the laudable one of saving an innocent man from the disgrace of a trial, without a *prima facie* case of evidence against him. But Grand Juries existed much earlier than the practice of taking examinations by justices of the peace, who did not regularly exercise their present powers of committal until towards the end of the sixteenth century. From that period, the Grand Jury has become an ordeal of very doubtful advantage; and more especially in the metropolis, since police magistrates have been appointed, whose proceedings, if not always infallible, are at least conducted with caution and regularity. We will venture to say that no event happens more rarely in the course of the year than the case of an offender committed for trial by a London police magistrate, who is not in truth a guilty man. If, then, it may be confidently assumed that there is a presumption of guilt associated with the magistrate's committal, to what end send the offender before another tribunal previous to trial? Not to save him from prison, for he remains there in the intermediate time. Not to prevent the publicity of his misconduct, for that has already been made notorious by the inquiry before the magistrate. Not to afford him an opportunity of clearing his character, because the proceedings of the Grand Jury are secret, and when an offender is discharged by their instrumentality, nobody knows the reason of such discharge. If a foreign jurist, wholly unacquainted with English practice, were, for the first time, to be informed of the nature of a Grand Jury, he would assuredly be at a loss to discover the object of an institution offering such ready means of defeating justice. The following extract from the evidence of Mr Gregory will illustrate how this is done:—

‘If the party is committed to prison, and the prosecutor and the witnesses go before the Grand Jury, they get hold of the leading witness and give him a bribe of five pounds, or ten pounds, or fifty pounds. The Grand Jury not being in possession of the depositions before the magistrates, the witnesses give evidence before them as directly contrary to what they have given before the magistrates as light to dark, and then the Grand Jury ignore the bill.

‘*Lord Holham.*—Do you mean to say they give the witness a large bribe to stay away?—No; for contradicting the evidence. Supposing you are robbed, and when you come before the magistrate you say, “There is a particular shilling, or a particular half-crown, or handkerchief, I can positively swear it is mine;” then, if you are got over by a bribe from the prisoner, when you go before the Grand Jury you say, “I cannot identify any of this property; I cannot swear to any one article, and I will not.” . . . I have been upon the Grand Jury several times, and I have heard witnesses give their evidence before the magistrates, and come before the Grand Jury and flatly contradict what they have stated.

‘ Then the practice of which you complain is a frequent one?—Yes; the magistrates only commit upon clear cases, and yet every session there are ten or twelve bills thrown out by the Grand Jury, and it is done in that sort of way.’ *

This statement is fully borne out by the proportion of bills annually ignored by Grand Juries, which, according to the Criminal Tables, is above 7 per cent for England and Wales, and above 8 per cent for London and Middlesex; as appears by the subjoined summary, which may also be useful to be kept in mind in reference to what has been said upon other parts of our subject:—

England and Wales.

	Offenders committed for Trial at Assizes and Sessions.	Convicted.	Insane.	Acquitted on Trial.	No Bill found.	No Prosecution.
1834, .	22,451	15,955	21	4347	1695	393
1835, .	20,731	14,729	25	4034	1526	417
1836, .	20,984	14,771	31	4039	1652	491

London and Middlesex.

1834, .	4,037	2,850	6	800	343	38
1835, .	3,442	2,308	6	786	309	33
1836, .	3,950	2,327	7	666	296	54

These considerations appear to fully warrant the conclusion, that the Grand Jury is, in truth, very often an obstruction in the way of bringing criminals to justice; and that in the great majority of cases, if not in all, its abolition would be desirable, whenever the institution of a Public Prosecutor may be determined on. Whatever respect the public may entertain for the institution as an ancient constitutional tribunal, it should not be forgotten that the tribunal is a *secret* one; and consequently possesses a power of injuring either an individual, or society at large, in a manner equally inconsistent with the spirit of the rest of our judicial institutions, and repugnant to that principle of responsibility, without which no system of judicature can ever be free from the suspicion, if not the actual taint, of impurity. The phrase ‘constitutional’ is worse than unmeaning when used for the purpose of raising a prepossession in favour of institutions which have become mischievous, in the existing circumstances of society.

* Evidence of Mr Rd. Gregory. *Minutes*, 1837, p. 177.

If we have succeeded in pointing attention to many important matters in which the present system of metropolitan police is defective, it has been far from our design to undervalue the very great benefit which the metropolitan district has derived from the central establishment. We have not thought it necessary to enter into details as to the mode of rating, to which objections for a time prevailed, because it appears to us impracticable to adopt any other principle than that applied to the poor-rates; and the enquiry is the less requisite, since we are happy to observe that the popular clamour upon the subject has entirely subsided. There is not one of our recommendations, but what is supported by the concurrent opinion of intelligent and experienced witnesses examined before the Committee. As constantly happens, some most absurd speculations were broached there—such as this—that the close inspection of the police, and the enlarged summary jurisdiction of magistrates, have tended to the promotion of crime; and that the increase of juvenile offenders in particular, is thus to be accounted for.* A more preposterous doctrine we never remember to have heard. Surely, the slightest reflection must have suggested the truth, viz.—that the superior vigilance of the central police, and the greater facilities of administering summary punishments, have of late years detected a great number of offences, which, under the old *regime*, would never have seen the light. To suppose that a sure and speedy administration of justice can tend to foster crime, is an idea wholly at variance both with reason and fact. The medicine which helps to throw out the eruption on the skin, is mistaken for the disorder of which the eruption is the offspring. A vigilant police, and a summary system of punishment, bring out crimes upon the surface of society; but who shall say how many times the law would otherwise have been violated with impunity? It is something monstrous to charge preventive justice with forwarding crime, because its office is executed with a degree of efficiency before unknown. Such errors are propagated chiefly by the total want of reflection on the subject; and perhaps, in some measure, by the want of a public record of offences, ascertained to have been committed by persons unknown. The want of such a record is a serious defect in our criminal statistics, for without it not even an approximation to the real state of crime can possibly be made.

The real extent of crime in the metropolis is a most interest-

* Evidence of Rev. J. Ousby. Minutes, 1837, p. 107.

ing subject of enquiry ; but there are, unfortunately, no statistical data by which it may be determined with any sort of accuracy. The average number of offenders committed for trial at the Central Court and Quarter Sessions, in London and Middlesex, in the last three years, has been 3609 yearly ; but as this does not comprise the summary commitments, it is no guide at all. The number of prisoners (exclusive of debtors) confined in the course of the year ending Michaelmas, 1836, in the several metropolitan prisons, viz.: Coldbathfields, Clerkenwell, Newgate, Giltspur Street Compter, the City Bridewell, the Westminster Bridewell, Horsemonger Lane, Brixton, and the Borough Compter, appears to have been about 35,000 ;* but from this number a considerable deduction must be made, in respect of the same prisoners recommitted within the year, and for those removed, after committal or sentence, from one prison to another. Allowing 10,000 on this account, there will remain 25,000 offenders detected in the year ; and, taking the population of the metropolis, in its widest sense, at 1,600,000, it appears that one in every 64 persons is to be set down as a criminal ! Nor is the prospect of improvement very hopeful, since it seems that the number of boys under 16 committed to the six first-mentioned prisons was, in 1835, 2675 ; and in 1836 it had increased to 3132 !† That the habitual proportion of offenders in the metropolis should even approximate to 1 in 64, is a most painful consideration ; and offers a wide field for the labours of the jurist—the political-economist—the philanthropist—of every man who has the head and the heart to do good to his species. How often must it be reiterated that ignorance and poverty are the primary causes of delinquency ?‡ How often repeated, that our system of secondary punishments requires a thorough revision—that our prisons are nurseries of vice—hotbeds of crime ?

* Returns in Second Report of Inspectors of Prisons, Home District, 1837.

† Second Report of Inspectors of Prisons, Home District, 1837. We rejoice to hear that the intended General Reformatory in the Isle of Wight, for juvenile offenders, is in a state of forwardness.

‡ The proportion of offenders committed to assizes and sessions, in the last year, who could neither read or write, or could only do so imperfectly, was for England and Wales, 16,202, or 77 per cent, and for London and Middlesex, 2896, or 86 per cent.—*Criminal Tables*, 1836. In France, out of 4222 criminals subjected to punishment by the higher courts in 1833, 3777, or 89 per cent, belonged to the classes either wholly without, or who had received only the lowest degree of instruction.—*Transactions of Statistical Society of London*, vol. i. part 1.

The description of the metropolitan prisons contained in the Second Report of the Inspectors for the Home District, presents a deplorable picture of the evils resulting from gaol-association, and strongly confirms the opinion of the indispensable necessity of the individual separation of prisoners, previously urged by the inspectors—advocated by this Journal—and now, we rejoice to say, officially recommended by the Secretary of State. If the magistrates should,—as we confidently hope they will not,—neglect or refuse to introduce ameliorations which are called for alike by good sense and humanity, it may become the duty of the Government to enforce with the full weight of its authority, the adoption of a right system of prison management. A sound system of prison discipline is an essential auxiliary to an effective police; and such a police we by no means despair of seeing perfected in the metropolis, as well as extended to the rural districts. The country owes much to Mr Hawes for his zealous and well-timed exertions in Parliament to this end. It is gratifying that these are subjects which may be approached by Whigs and Tories without party strife, and with a united effort for practical reform. Let them persevere in their useful labours;—in the amount of human suffering removed from present and future generations, they will find their ample reward;—they are cultivating not a barren field of ephemeral gratification, but a soil capable of yielding abundant, and never failing, harvests of good!

We cannot conclude without a word upon a point intimately connected with the preceding, and all other branches of criminal jurisprudence in these kingdoms; we mean the necessity—growing every day more urgent—of some superintending authority, analogous to the Minister of Justice in France, whose exclusive attention shall be given to every department of the administration of the criminal law, and whose especial province it shall be, not only to watch over its execution, but to forward its reform. Every one who is at all aware of the multiplicity of business with which the Home Office has for some time past been pressed, will at once understand how impossible it is for a Secretary of State to go through his indispensable Parliamentary duties, and yet to devote adequate time to so important matters as those of Police, Prison Discipline, Transportation, and the whole subject of Secondary and Capital Punishments. We are far from insinuating any want of diligence in the noble Lord now at the head of the Home Department;—on the contrary, it is surprising to us that he has found time to do as much as he has done in this respect; but practical measures of great moment

ought not to be postponed to topics of more political or party interest perhaps, but of much more speculative advantage. Whilst a moderately-reforming Ministry is engaged, night after night, in parrying the thrusts of the Tories on the one side, and the ultra-reformers on the other, subjects of the most grave and complicated nature are delegated, one after another, to Parliamentary committees, who examine witnesses—make a report—and there the matter ends. A curious and instructive return might be made of the lost labours of Select Committees of both Houses for the last twenty years; nay, the time occupied by their enquiries has oftentimes been worse than lost; for it has sometimes had the effect of shifting the responsibility of organizing reforms from the only quarter capable of pursuing them with effect—namely, the Government. Hence, a strong opinion is beginning to be entertained, that either a regular Minister of Justice is required, or a Central Board, acting (like the Poor Law Commissioners) in some degree under the Secretary of State, but invested with sufficient power for the regulation and management of the police, the prisons, and all branches of the penal system, without the necessity of constant reference to the Home Office. We venture to predict, that many years will not elapse before the establishment of some such authority is found indispensable; and, although the present want of it ought not to be an excuse for any member of the legislature relaxing his individual exertions for the good of society, the deficiency, until supplied, cannot but impair the efficiency of the executive, and operate injuriously to the public service.

ART. V.—*Patience and Confidence the Strength of the Church: A Sermon, preached on the Fifth of November before the University of Oxford, and now published at the wish of many of its Members.* By the Rev. E. B. PUSEY, D.D., Regius Professor of Hebrew, and Canon of Christ Church. 8vo. Oxford: 1837.

‘**W**HAT times are coming upon the earth, we know not; but the general expectation of persons of all character in all nations is an instinct implanted by God to warn us of a coming ‘storm.’ So says Dr Pusey; and assuredly, to the other ‘fig-tree’ signs which announce approaching changes, he has added one of no insignificant character. That a sermon should have been preached before the University of Oxford, on the day appointed for the remembrance of the deliverance of England by the Revolution of 1688, in which the preacher reversed the precedent of Balaam, and mounted the pulpit to curse, where he was appointed to bless—in which the great work of our forefathers is plainly denounced as a sin, and held up as deserving of national humiliation, instead of thanksgiving—is a phenomenon of importance and interest to those who watch the course of events. The place, the occasion, the dignity of the bold innovator, and the assent of a large portion of his congregation, implied in their request for the publication of the sermon, command an attention very different from that which might have been excited by a mere expression of sentiment from an insulated individual.

The contingency of the last 5th of November falling on a Sunday, and its service being thus attended by numbers for whom the celebration of the political festival would have had no attraction, afforded undoubtedly a strong provocation to preachers whose zeal against the wickedness of modern governments was ready to boil over on the first opportunity. Accordingly, that day seems to have been selected for a simultaneous pulpit-attack, from the ecclesiastical high places of England and Ireland, against her Majesty's Ministers and Commons,—although it must be confessed that the onslaught bore little appearance of concert; for while the right wing, posted at Oxford, was directing its artillery against the Whigs through the sides of William III., the left, at Dublin, was battering the Catholics through those of James II.;—both, however, agreeing in letting off an occasional volley at Guy Fawkes, whose shade must have been surprised and gratified at the participation of such eminent associates in his annual martyrdom. But with the greater part of Dr Pusey's

sermon on that occasion, we have no concern ; much of it is beautiful as well as appropriate ; and if it be true, as he alleges, that the doctrine of non-resistance to established authority is one which meets with little practical attention at the present day, it is at least one which no sincere believer will endeavour to controvert or to evade. We merely wish to express our sentiments on the last part of it—the application of that doctrine to the question of the Revolution—a portion of his subject which the author has but briefly touched in his sermon, but which he evidently considers as the prominent point in it,—judging from the long justification which he has attached to it in the shape of a preface.

‘ And now, perhaps, we may the more readily learn our lesson from that other event, for which we this day render to God thanksgiving, the arrival on this day of him who became William III. Man’s sin is no hinderance to thankfulness for God’s mercy ; rather, the more we sinned, the more should we be thankful to God for not giving us over to our sins, for making that, as it now is, at last legitimate to us and our duty, which in our forefathers was sin, yea, and for the chastisements with which he has visited our sins. The arrival of William was in itself, on God’s part, a blessing ; it was not, we may trust, on that of the prince, a guilty act ; at all events we may separate the mercy of God from the sin of man ; it prevented further acts of tyranny on the part of James ; it probably saved the nation from the miseries of anarchy and civil war, which, but for his arrival, had men pursued the same course, might have followed ; and in this the church and nation might have been grievously injured ; and for this, and for the preservation of our church amid this convulsion, we have great cause of thankfulness.’

But

‘ It is not without an apparent providence that these two events are so brought together upon the same day, the one in which, without his own merit, man was passive, and God delivered him from extremest peril ; in the other, where, had men, like our bishops and a confessor of this place, remained passive under the shadow of God’s wing, the tyranny had passed over, man interposed schemes of his own ; they did that, which our Lord upon the cross was taunted to do, but did not ; they “sinned themselves,” and so they were permitted to mar the good purpose of God. I say “mar,” for though God has been abundant in mercy, no one can have traced the state of our church and nation, since that second rebellion, without seeing God’s judgments, though tempered with mercy. Let any one ask when was the golden age of our divines ? All will say the reign of Charles II., when their passive virtues had been called out, and they exercised by suffering. The last century, every one as readily condemned as the deadest and shallowest period of English Theology and of the English Church. And this could be traced, were this the place, to the line which men took in resisting James’s evil. The state feared and hated the Church, which it causelessly suspected ; it

could not understand that men might on principle object to the act which set the sovereign on the throne, and yet upon principle obey, yea, teach others cheerfully to obey the sovereign whom God had permitted to be so placed. It ejected a valuable portion of her members, the nonjurors; divided, and so weakened her; cut off from her one element of teaching; gave her bishops for secular ends, and profaned her offices to strengthen secular parties; wilfully corrupted her, and stirred up enemies against her and our holy faith. As clearly could it be shown that the present storm, which lowers around our Church and State, is but a drawing out of the principles of what men have dared to call the "Glorious Revolution;" as that revolution (though in this portion of our country, by God's mercy, without bloodshed, as indeed, besides his other mercies, he generally restrains men in a second revolution, by an implanted instinct, from renewing the miseries of the first) was the sequel and result of the first rebellion. The name given to the act of 1688 is no question of words; the service of this day evinces the feeling of the Church that it is not indifferent to God how we look back upon his dealings with our forefathers: if we would not be partakers of other men's sins we must disavow them; while we boast of them, we make ourselves sharers in them; if we would cut off the curse entailed by the fathers upon the children, we must disclaim the act which has entailed it; we should thankfully acknowledge God's undeserved mercies, not glory in our fathers' sins, so may he exempt us from the impending chastisement.'

Strange as such sentiments appear to Englishmen, and have appeared ever since the name of Englishmen became a title of honour among the nations, it will not be imagined that we are about to make solemn charges of sacrilege and heresy against Dr Pusey and his admirers on account of them. The Revolution has for us no more sanctity than any other great political act of which the consequences still survive: the State, by fencing it round with an imaginary sacredness, and intruding the commemoration of it into the solemn service of the Church, did, in our opinion, nothing more than provoke mocking and encourage hypocrisy. To see its principles attacked in fair and open controversy excites no scrupulous horror in us; and it is always agreeable to see the opinions of any class of reasoners fairly pushed to their legitimate extent, without any regard for mere appearances, or scruple at offending the consciences of less thoroughgoing brethren. Above all things, we would disclaim all foolish sneers against the loyalty of the party whose sentiments we have now to consider. To charge its leaders with a desire to disorganize the established connexion of church and state, from mere dislike to the principles on which the latter is now administered, would be, we are well aware, to cast a very unjust imputation on them;—whatever we may think of the possible dangers

to which their views might expose that connexion, if carried fully out by ardent and unflinching partisans ;—for Sacheverell, too, stickled for non-resistance, and his mob illustrated the doctrine by ‘destroying meeting-houses, plundering the dwelling, ‘houses of eminent Dissenters, threatening to pull down those of ‘the Lord Chancellor and other Whigs, and preparing to attack ‘the Bank!’ Still, many of those views, and especially such as are contained in this Sermon of Dr Pusey’s, are daring novelties. It is true, that they exhibit only a return,—such as is ever taking place in the revolution of human affairs,—to ancient notions and principles, long since entombed with their zealous supporters ; but when this ‘whirligig of time’ brings us round again to the very same point which public opinion had reached some centuries ago, the old doctrines are become new *to us* ; and this is the only sense in which any thing in politics can be said to be a novelty. For in matters ecclesiastical and civil, there is nothing strictly new under the sun. The democrat, whom we call an innovator, can appeal to his own favourite authorities,—to the States of Italy in the middle ages, and to those of classical Greece long before,—for precedents to countenance his boldest flights. So it is with the doctrines of divine right and passive obedience. They were in favour, it should seem, under Nebuchadnezzar and Darius the Mede. In England, they ‘skulked in old homilies,’ to use a phrase of Bolingbroke, ‘before King James I. ; but were talked, written, and preached into vogue in that inglorious reign.’ In 1622, the University of Oxford solemnly sanctioned them ; and, by a noble stretch of her principles of discipline, enacted that all persons promoted to degrees, were to subscribe articles to that effect ; and to take an oath, that they not only at present detested the opposite opinion, but that they *would at no future time entertain it!* In 1683, the same University again proclaimed them by a ‘solemn judgment and decree,’ which, in 1709, the House of Lords was ill advised enough to condemn unanimously to the flames. But, by an unusual circumstance in human affairs, the burning of the decree by no means promoted its popularity ; and the doctrines in question went so quietly to sleep, that he who now arouses them from their century of oblivion may fairly be termed an innovator. As such, we recommend him to the grave rebuke of that learned body whose repose he and his confederates disturb by their new-fangled conceits. Our concern is with the truth of his doctrines only ;—the doctrines of one of the ablest, certainly the most learned of the writers of his party, on a subject not of mere historical interest, but applicable to every time, and perhaps in an especial manner to our own. We must therefore buckle on once more the armour of our old Revolution prin-

ciples to meet this fresh antagonist ;—armour which has stood the buffets of an hundred and fifty years too well to be now laid aside at the first blast of a hostile challenge, even though waisted from the cloisters of Oxford.

Although the doctrine of *non-resistance* to *established* authorities, and that of the *divine right* of princes (that is, of an inherent right to govern, independently of the powers which the municipal law of each state confides to them), are quite distinct in character, yet they are often strangely confounded together both by the advocates and opponents of popular rights: they are so, in an especial manner, in the sermon now before us. The first rests on the express command of God, written in the Book of his Law, and not less plainly written on the enlightened reason of man. The latter appears to us a mere figment of human invention—repugnant to reason—without the shadow of authority in the word of God—unwarranted on any fair construction of the language or practice of the early Church. It is this unnatural union of the false with the true, of the living principle with the dead, which caused in our view the religious errors of the Non-jurors, in their day, and of Dr Pusey in our own.

The doctrine of non-resistance to established authority is, we need not say, most strikingly declared in Scripture, from the total absence of all qualification and adaptation to the weak faith and cherished prejudices of the natural man. 'Whosoever resisteth the power, resisteth the ordinance of God.' 'Ye must needs be subject, not only for wrath, but also for conscience sake.' 'Submit yourselves to every ordinance of man, for the Lord's sake.' And we cannot refrain from observing, however trite the remark may appear, that few portions of the moral law of the Gospel bear more emphatically the mark of inspired and not human wisdom. First, because no precept could be devised more unacceptable to the pride, and less likely to attract the imagination of man. How many devices of worldly wisdom, how many false systems of worldly honour and morality, how many rebelling impulses of the heart are crushed by this stern command! How vain is the endeavour to evade or to explain it away, and find shelter under it for those heathen notions of manliness and nobleness of character, of which we are so loath to divest ourselves! Next, because it is at once contrary to that current morality of the world (which is a mere reflection of true principle, and that rarely without distortion), and, at the same time, palpably true to the perception of the mind which has been once opened to religious instruction. To the mere worldling it seems poor and ignoble; to the sense of the religious man it has at once the clearness and the beauty of a light revealed from heaven itself. No

impostor would have stamped so unpopular a truth with the seal of a pretended divine authority. And how perfectly does it agree with the remaining symmetry of that great edifice to which it belongs! In the beautiful language of Dr Pusey himself (not in his Sermon, but in the Preface which accompanies it)—‘It is only the particular application of a general principle. In religion it is faith; under misfortune, resignation; under trial, it is patient waiting to the end; amid provocation, it is gentleness; amid affronts, meekness; amid injuries, it is endurance; towards enemies, non-requital; towards railing, it is “not answering again;” to parents, it is filial obedience; to superiors, respect; to authorities, unquestioning submission; towards civil government, it is obedience upon principle, not only when it costs nothing (as obedience to it ordinarily does not, and so can hardly be called the fulfilment of a duty), but when it costs something.’

Every human commission is, therefore, ratified by the divine precept of obedience to it, and ‘every power that is,’ however derived, is ‘ordained of God.’ But resistance to violence on the part of those armed with no authority—enjoying no commission—cannot be drawn within the plain limits of the precept. It cannot be condemned, except upon such arguments as would take away the right of resistance to all violence whatever. Now we, in common with all supporters of the Revolution, contend, that no rational difference can be shown to exist between opposition to force offered by one exercising it, without any authority, and by one exercising it beyond the authority with which the laws intrust him. It cannot be answered, that it is the duty of the Christian to obey without examining the validity of the pretended authority. It is no doubt true, that it will not become him to make captious objections—eagerly to seek for and avail himself of flaws in title, or defects in form. But, in the last resort, he must needs judge whether the orders of a magistrate which he is called on to obey are within the range of that magistrate’s jurisdiction. A parish constable is, so far as his office extends, a ‘power ordained of God,’ as truly as the executive head of the state; and it is just as plainly a sin to oppose him. Suppose, in the exercise of his functions, he were to offer unprovoked violence to life, person, or property, grossly exceeding the limits of that power which the State allots him, would Dr Pusey offer him resistance or no? If he would not, upon what principle does he justify resistance to a robber or a murderer?

Let us apply this principle to the case of a constitutional monarchy. We have no wish to rest any part of our argument on what Dr Pusey calls the ‘subtle distinction’ of the *Social Con-*

poet. All we will say in its behalf is, that it seems to us not at all more subtle, and far more sensible,—not at all less warranted by revelation, and much more consonant with reason—than his own *jure divino* notions, to which we shall address ourselves presently. We deal only with institutions as facts, and with the duties which arise out of them. Now, in such a monarchy the King is in reality nothing more than a magistrate of limited authority, whatever he may be in theory. If he exceed that authority, he is just as much an aggressor as the parish constable. If the divine precept of non-resistance does not extend to prohibit self-defence against usurpation on the part of the lesser officer, neither does it against the greater. It is, therefore, we contend, impossible to pass a general condemnation on all resistance to regal authority in such a state;—unless to the doctrine of non-resistance we add that of the divine right of kings,—not merely as magistrates, for then their divine right would only protect them in the exercise of their legal authority, like other magistrates,—but *as kings*, as in themselves *sacro sanct* and inviolable. In order to arrive at this conclusion, it is necessary to combine the scriptural command with the mere human speculation.

It is scarcely needful to add, that the case thus propounded is precisely that of the Revolution. We need not go into the history of English Rights, and examine how long they had existed: suffice it to say, that James at his accession (whatever may have been the language held at court or from the pulpit as to his rights) found himself, in fact, no more than a simple magistrate. He had not the power to make a single law—not even the power to propose one. By the common understanding of the constitution, his subjects were no more bound to obey the legislation of the Monarch than the legislation of the Constable. His authority was indeed great and high; but, except on one or two controverted points, it was as accurately limited in practice as that of any other officer. In this state of things, James assumed the power of legislation; for to dispense with existing laws is to legislate. His subjects resisted. If James was a mere magistrate, then, according to our former reasoning, they had as much right to do so as to resist a robber or a murderer. When St Paul was threatened with illegal violence by a magistrate, he did not submit: he ‘appealed unto Cæsar.’ The subjects of James appealed, not indeed to an appellate jurisdiction in the ordinary sense, but to the tribunal of a co-ordinate authority—the great council of the nation. The constitution had not expressly provided such a remedy for such a case; but they conceived that its spirit must be so understood; and that, when one member of the supreme authority exceeds his trust, the true appeal must be to the remain-

ing members as representing the body of the nation. The members of that council met in fear and uncertainty; they, too, were determined on resistance, but it was long ere they decided on its consequences; and at last, whether through their fear of anarchy, or their passions, or their interests, the hand of Providence brought William to the throne, and the great change ended in the dethronement of a king and subversion of a dynasty. With the justification of each particular step in the change—of the forced ‘abdication’—of the assembling of the informal convention, and so forth—whether each was just, or expedient, or religious—we have nothing here to do. Nor are we at all concerned with the characters and motives of the actors in that revolution: whether they ‘used their liberty for a cloke of maliciousness’ or no, makes no difference in the merits of the case. The only important question of conscience is, as Dr Pusey will agree with us, whether James’s subjects had a right to resist him; a question involving the right of resistance to usurped authority in all generations. And we maintain, as before, that against that right of resistance no valid argument can be shown; unless it be contended that James as king possessed an inviolable character;—that his ‘divine right’ extended to *all* his actions, and was therefore quite different in kind from that ‘divine right’ which shields other magistrates whilst in the exercise of their legal functions only.

This, accordingly, was the ground assumed by the theological partisans of the Stuart cause; and the same ground is taken by Dr Pusey. By what manner of arguments he supports it, our readers will perceive from the following extracts from his Preface. We spare them the Convocation-book, and the Canons, which he cites in support of them.

‘Scripture knows but of two sources of power: 1. lawful, whereby the parental authority of the head of the family was gradually extended with the extension of the family, and so became patriarchal, which was in a sense regal: 2. unlawful, that of conquest, as Nimrod. *But of any state of things wherein the people had power in their own hands, to give it to whom they would, and upon what conditions they would, it knows not.* “If” (say Bishop Sanderson) “we will but follow the clue of the sacred history, in the four first chapters of Genesis, it will fairly lead us out of these labyrinths” (viz. whether government or property were first in order of time, and whether government were agreed upon to secure property, or property was assigned by law and government; in a word, whether government came from above or below, was voluntarily adopted, or was the original constitution of things, and part of the primary ordinances of God.) “It is certain, that as soon as Adam was created, God gave to him, as an universal monarch, not only dominion over all his fellow-creatures that were upon the face of the earth, but the government also of all the inferior world, and of all the men that after should be born into

the world as long as he lived And we have great reason to believe that after the Flood the sole government was at first in Noah, and whatsoever either property in any thing they possessed in several, or share in the government over any part of the world afterwards any of his sons had, they had it by his sole allotment and authority, and transmitted the same to their posterity merely upon that account: without awaiting the election or consent of, or entering into any articles or capitulations with, the people that were to be governed by them. These words in Gen. x. 32. seem to import as much. "These are the families of the sons of Noah in their generations after their families: and by them were the nations divided in the earth after the flood." And so this supposed fact or contrast, which maketh such a noise in the world, proveth to be but a squib, powder without shot, that giveth a crack, but vanisheth into air, and doth no execution.'

Dr Pusey goes on to condemn the 'unbelieving theory' of the Social Compact; with which, whether it be unbelieving or no, we cannot see that the present question has any thing to do; since we are merely concerned with the duties of subjects in a country where the people actually have, and exercise power; but which theory, it may be as well to remark, is just as strongly laid down by the pious Hooker as by the sceptical Locke. He then contends, as far as we understand him, that the patriarchal or regal power is the only one to which God vouchsafes a blessing; *because* no other is mentioned in the history of the Old Testament; 'which,' he says in the first sentence of his sermon, 'is the sun of all other history, sacred and profane.' And this is the whole sum and substance of the reasoning on which we are to conclude that kings reign by Divine right; that any power exercised by the public, or a portion of it, can only be exercised by usurpation; and consequently, that resistance to the illegal acts of James, was resistance to God's ordinance!

This mystical view of the Old Testament, as containing the whole Encyclopædia, if we may use the expression, of God's dealing with Man and the Church,—insomuch that whatever evidence of his Providence, or his Divine Government is not therein contained, must be rejected as spurious,—pervades most extensively the writings of the school to which Dr Pusey belongs. It is the product of a temper which would fain close the avenues of our understanding against all the other modes by which God permits his light to penetrate its darkness, except those of his revealed word, and Church tradition alone; and which, when studied in this feeling of jealous exclusiveness, are studied with a wilful abandonment of the best means (humanly speaking) vouchsafed us for their comprehension. It is the very same spirit which looks with sinister misgivings on every attempt to extend the domain of thought—in natural and metaphysical

science, as well as in the study of human life and history—as if they were so many insidious invasions of the province of Faith. It is the same spirit in which a recent Bampton lecturer, Dr Nolan, chose to avail himself of the opportunity afforded by that excellent but polemical foundation, to denounce a considerable branch of modern science as an irreligious imposture—to wage war against ‘Mammoths’ and ‘Megalosauri’, and the whole race of Pre-adamite monsters—under the very eye of the Professor whose sagacious sense has detected so many of their traces in the bowels of the earth;—finding his geology just where Dr Sanderson found his theory of government,—namely, in the first four chapters of Genesis. And the application of that spirit to political study is precisely similar to that made by the old Puritans, who had much the same fancy for seeking all manner of precedents in the letter of the Old Testament; although they chose to deduce from it very opposite conclusions. They read of Samuel withstanding and denouncing the Lord’s anointed; of the revolt of Jehu, under Divine authority; of the successful ‘rebellion’ of Hezekiah against the King of Assyria; and they inferred that God had dispensed with the observation of his own command of civil obedience wherever his honour was concerned. Theirs might be the more dangerous doctrine, inasmuch as it made every saint the judge in his own case, whether to conform or to resist; but how their conclusions were a whit less legitimate than those of our Hebrew Professor, and Bishop Sanderson, when they argue that because there were no republics in Palestine, and because the patriarchal sway prospered under Divine blessing in Mesopotamia, therefore, popular government is something altogether out of the order of Divine appointment, we are at a loss to understand.

But, narrow as is the ground on which Dr Pusey rests his arguments, he may surely be confronted on his own chosen territory. How can it be said that Scripture knows only of patriarchal and monarchical governments, and recognises ‘no ‘state of things wherein the people had the power?’ For three hundred and thirty years, from the death of Joshua to the anointing of Saul, there was no semblance of patriarchal or regal power exercised among the Jews. ‘In those days there was no king in Israel; every man did that which seemed good in his own eyes.’ Jephthah ‘articled with the people,’ to use the language of Locke. He agreed with the elders of Gilead, and ‘the people made him head and captain over them:’ God ratified their choice, and he judged Israel six years. From this narrative, and that concerning Abimelech (Judges, chap. ix.), it seems probable that those personages, who are in Scripture termed judges, were leaders chosen by the Jewish people in time of need to rule over them; and that

the general organization of the twelve tribes at that period was neither more nor less than republican,—unscriptural as the phrase may appear. Not does it seem that they were less visited with the temporal blessings of their dispensation, whenever they rendered themselves worthy of them by obedience, in this period of their history, than after kings had been set over them as a punishment for their obstinacy.

But all this is little to the purpose, except for such as are anxious to meet the adversary with weapons borrowed from himself. The main point is, that the Divine right of kings, as something distinct from the claim which all magistrates and governments have on Christian obedience, rests on mere human theory;—a theory which the divines of the seventeenth century only supported by far-fetched analogical arguments, such as the scholastic taste of that time relished, but such as its good sense and plain religious sentiment practically rejected. Nothing but the peculiar zest which the spirit of reaction against modern tendencies gives to antiquated absurdities, could have induced the revival of them in our own day. But if this doctrine of Divine right be abandoned, Dr Pusey's arraignment of the Revolution, on religious grounds, falls alongst with it; unless, as we have said, he is prepared to maintain that resistance to force, by whomsoever employed, can in no case be offered by a Christian, and that all self-defence is unlawful. Whether this be or be not his meaning, his sermon does not very distinctly inform us. 'Resist not evil,' he says, 'is a precept plain in its mode of execution, though hard to fulfil; it prescribes a difficult but a plain track; but admit the principle that man may resist evil, it is no longer easy to say where, and how, resistance begins to be sin.' If he means this of resistance to governments, we answer, that on the principles we have laid down, it is perfectly easy to determine where it is lawful and where unlawful; and that although much sophistry will always be used to justify men in their own eyes, yet conscience and revelation will direct every one aright who has courage to follow them. To cite once more the 'unbelieving' theories of Locke: 'wherever law ends, tyranny begins, if the law be transgressed to another's harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command to compass that upon the subject which the law allows not, ceases in that to be a magistrate; and acting without authority, may be opposed as any other man who by force invades the right of another.'

When these plain principles are borne in mind, it will easily be seen how little applicable the example of the early Christians, which Dr Pusey and his Holiness Gregory XVI., in a late Ency-

alical letter, bring forward with so much earnestness in aid of legitimacy, is to the question now at issue. It is perfectly clear, that whatever the Christians suffered at the hands of the emperors and their delegates, was inflicted by the established authority. However inhuman the treatment to which they so resignedly submitted, it was in no sense illegal. To have opposed unlawful force to lawful force, would have been, in the strictest sense of the Apostle's word, resistance to powers ordained of God. Whatever judgment the world, in its looser notions of morality, may form of the extremity to which they carried out their principles of submission, the practical lesson which they convey to us who live under a constitutional government is that of obedience, not to man, but to the law. Dr. Pusey's attempt to make out a closer parallel, by arguing that the emperors had originally obtained their power by usurpation, is surely beside the question. 'It was not in a legitimate way,' he says, 'that the emperors whom St Peter and St Paul commanded men to obey came to the throne, nor had they even prescription to plead; yet, so far as the subjects were concerned, the powers that be were ordained of God.' It may be so; but we are not contending for the right of Christians to give or withhold obedience, according as they judge of the title of their princes. Dr Pusey confounds two very different things, the (assumed) right of subjects to disobey their sovereigns on the ground of questionable title; and their right to refuse obedience to a magistrate exceeding the legal bounds of his *de facto* authority. 'Scripture,' he says elsewhere, 'knows not our subtle distinctions of social compact; it bids us peremptorily to obey kings: and what kings? What compact,—not with their subjects, but with human nature itself, —had not Caligula, and Claudius, and Nero broken?' This seems to us the common fallacy of antithesis between a fact on one side and a metaphor on the other. Whether there be such a thing as a 'social compact' or no, there is an *actual* compact between a king and his subjects in a constitutional country: which compact King James violated, and thereby broke the tie of obedience. But what is the meaning of a 'compact with human nature?' The utmost cruelty and sacrilege on the part of an absolute monarch may perhaps not excuse the disobedience of a subject; the slightest transgression of legitimate power by a magistrate may.

The reader of Locke's 'Treatise on Government' will at once see how little we have attempted to add to the arguments contained in it on this famous controversy. But it has fared with this, as with some other standard works: although it has furnished a stock of political opinions which have passed as it were into the popular mind, the book itself is now little read. Its

practical conclusions have become truisms, while its hypothesis is esteemed a paradox; for its theory of the social contract,—a mere speculative device or fiction to found arguments upon, which Locke improved, but did not invent,—has fallen into discredit in these less discursive times. But the real value of his reasonings is not in the least affected by the doubts which may be cast on the soundness of that assumption. We cannot but wish that the Canon of Christ Church had refreshed his memory by consulting the writings of the expelled student of that distinguished house before he mounted the pulpit, not to refute Locke, but to reassert those very positions of Sanderson, Usher, and Filmer, which Locke wrote to refute. We do not say that he would have been induced to modify his own views; but, surely, he would at least have noticed the argument on the other part. He quotes with approbation a saying of Dean Sherlock (who, by the way, lived long enough to recant his own arguments with a very indifferent grace) that in his time the doctrine of passive obedience and non-resistance were 'not confuted, but laughed out of countenance.' Perhaps a reader of this sermon may be tempted to say, that at Oxford in the nineteenth century, the doctrines of civil liberty are 'not confuted, but anathematized.'

But we are to seek, it seems, for confirmation of Dr Pusey's opinions in the 'judgments' which have befallen the land since the Revolution! Thus it is, that in the blindness of our rash and hasty self-will we are ever torturing the manifestations of Divine Providence into testimonies to our petty views, and confirmations of our futile reasonings! Far be it from us to vaunt of the peculiar blessings with which God has visited this Church and country during the period which has elapsed since the Revolution: it may well be, that we have been thus favoured notwithstanding our own ill deservings, and that the Divine power has been manifested in the creation of good out of evil. But, most assuredly, he who finds in the social and moral condition of England, under her popular government, a series of 'judgments,' must be ill to please with any thing short of miraculous prosperity. And what are we to look upon as the special manifestations of divine anger, amidst the numberless and extraordinary blessings with which we have been visited? That the Church, forsooth, was 'dead and shallow!' What is exactly meant by these awful epithets we do not profess to understand: the Church in the 18th century was certainly not in all respects such a church as her Evangelical members on the one side, or her High-Church advocates on the other, may delight in conceiving; but that she was worse adapted, on the whole, than at any former period of her history, for the quiet task of reconciling, soothing, and governing the millions of hearts in

which Evangelical flights or High-Church mysteries excite neither interest nor anxiety, all the declamation of modern divines has not succeeded in persuading us. If her writers were sometimes wanting in spiritual earnestness, and more often in theological knowledge, she owes those defects to no single cause whatever so much as to the 'deadness' and 'shallowness' of her universities; more especially that orthodox one which seemed for a long time to have wholly lost her voice and her wits,—absorbed in mournful longings for the family 'over the water,' the shadow of whose lost authority she still cherished for half a century after their departure.

Πόθεν δ' ὑπερπρωτίας
Φάσμα δόξει δέμων ἀνάσσειν.

The State 'feared and hated' the Church! See Lord Clarendon's History throughout, for the good reason which the State had to dread the political zeal of the Church, and to rue the day when it first leant on the Church for support! The State 'profaned the offices 'of the Church to strengthen secular parties.' *Lupus in fabula!* Who first intruded political services on the Liturgy? James I. and Charles II. When was the most solemn office of religion profaned by the impious Sacramental Test? In the reign of the latter monarch,—the 'golden age of English divines,'—and with their consent and applause. Those who achieved the Revolution would fain have abolished it, but dared not, for fear of the craftsmen of the great High-Church Diana: it was condemned by the sceptic Locke, defended by the saintly Dean of St Patrick's! It is not to the Revolution that we owe these blasphemies, Dr Pusey—if such you esteem them—but to the palmy days of Church and State,—the days of your own Anglican Saints and Fathers. The chair of Modern History has been too long a sinecure at Oxford. It 'ejected 'the Nonjurors!' They had themselves to thank for it. They maintained a vexatious schism for many years,—making a point of conscience out of a mere question of political sentiment or casuistry; and disappeared at last, after doing less good, producing fewer eminent men, and leaving less permanent impression than any other great ecclesiastical sect in English history.

The Nonjurors, however, are especial favourites with the party to which Dr Pusey belongs; and it has become the fashion to speak of them in a mystical, encomiastic language, in which the real grounds of their separation from the Established Church are as much kept out of view as possible. They are magnified as 'the 'Church of England unestablished'—as 'Catholic confessors'—as 'a witnessing Church,' bearing testimony to the doctrine of ecclesiastical independence—but with a cautious avoidance of the question why they became Nonjurors, and what were the funda-

mental principles of their little communion. The reason of this caution is plain enough; for it is difficult to see how any one can fairly take part with them in the great quarrel of their day, unless he is prepared to hold that the English Church is at this day schismatical, and the English Government an usurpation. Their ground of separation was the indefeisible hereditary right of King James and his descendants. In merely holding such a doctrine as this, we may think that their judgment was mistaken; but we cannot charge them with any religious error; nor error, we conceive, lay in the application of the doctrine. They plainly abandoned the principles of the early church: for the first Christians not only *obeyed* but *recognised* the Cæsars, although, as Dr Pusey observes, their title was questionable. The Nonjurors professed to *obey* William and George, but refused to *recognise* them. This, we cannot but think, was their fundamental departure from right principle. Far be it from us to condemn, still more to vilipend them. If they judged amiss in the difficulties of a dark and perplexing time, their resolute and independent conduct, together with the unfeigned humility which in many of them met with those qualities, abundantly compensates for that venial error. And, with respect to the original Nonjurors, it must not be forgotten, that *they* had another and more valid ground of separation. They deemed themselves personally bound by the unqualified oath of allegiance which they had taken to James II.; and it is much to be wished that their Oxford representatives would learn to imitate them in their strength, instead of their weakness;—not in their visionary notions about hereditary right, but in that strong principle which regarded the letter of an oath as binding, and scorned to interpret it away as *a promise to God and not to man*, or by any other subtle evasion. But this scruple, however honourable to the first Nonjurors, as individuals, has nothing to do with the conduct and principles of their church; still less with those of their successors, who kept the form of that church for ninety years after the Revolution.

Dr Pusey, however, adopts the usual encomiastic language of his party respecting these separatists: nay, he roundly asserts that no one can doubt St Paul would have been a Nonjuror! A mode of confirming an argument which involuntarily reminds us of one who used to condemn cards and dancing by asking his hearers to imagine St Barnabas standing up in a quadrille, or St Paul taking a hand at short whist! How then does he escape from the necessary result of their principles—the invalidity of the title of the present reigning family to the crown of Great Britain? By subterfuges such as any consistent Nonjuror

would have scouted with measureless contempt. He argues, in his Preface, that prescription has for a long period established the right of the House of Hanover. But this is to mistake, and in the most ignorant manner, the very nature of prescription. Prescription is the creature of municipal law; it is a mere rule of convenience, adopted to repress litigation,—by which the possessor of a rightful claim is barred of his remedy by the lapse of a certain amount of time. But the lapse of time alone, unaided by positive law, works no defeasance of any right. Therefore, to contend that the present hereditary claimant of the British throne is barred of his right by adverse prescription, is to contend that society has the power to abrogate such a right; which is the very doctrine denounced by the Nonjurors, and by Dr Pusey, if we understand him, as unscriptural and unbelieving. Next, he lays a stress upon ‘the extinction of the unhappy line which was then (at the Revolution) in possession of the throne; the circumstance that the family now placed upon it were not the immediate successors of that family, but came in in a more orderly way.’ How this alters the case we cannot perceive. While there are in existence lineal descendants of the martyr Charles I., their claims on our allegiance are just as cogent as those of a lineal descendant of James II. would have been, and the injustice of their exclusion just as flagrant. So impossible is it to halt between these two opinions;—to establish any compromise between the doctrines of Sancroft, Ken, and Sherlock, and those principles on which the Church and State are at this day established! If those who refused allegiance to William III. were in the right, then is her Highness the Duchess of Modena (not, as Dr Pusey imagines, the King of Sardinia) at the present day entitled to the obedience of all British subjects as soon as she may think fit to claim it;—saving always any title which may hereafter happen to be established on behalf of a descendant of Edgar Atheling! If they were wrong, then both the Church (temporally speaking) and the State must be content to owe their existence *de jure* to the same power which *de facto* settled them on their present footing—the will of the nation expressed through its representatives.*

* It is remarkable with what readiness the Jacobites, tired with their long and unsuccessful protest, adopted the mistaken notion, which the slightest inspection of a genealogical table must have dispelled, that the right of the Stuarts devolved on George III. after the death of the Cardinal York. Even Sir Walter Scott, antiquarian as he was, seems to have partaken in this delusion. In his ‘Hints respecting an application for a reversal of the Attainders of 1715 and 1745,’ he uses it as an argument

Thus far we feel ourselves bound to protest against this modern revival, from the pulpit of the University, of her own exploded 'decree and judgment' of 1683. We do so with the most unfeigned respect for the talents and the character of that zealous minister whose views on this subject have been thus prominently and solemnly brought forward. He has indeed adopted the doctrines, and often the language, of a class of writers whom the world had pretty justly consigned to a contemptuous oblivion; but the strain of feeble and captious subtlety in which they spun out their inconclusive reasonings is exchanged, in his pages, for that high tone of undoubting earnestness which takes the willing mind prisoner, and captivates numbers for whom argument would have little attraction. All his peculiarities of style and manner are in unison with this prevailing spirit. He is powerful in declamation; but too often sinks into mere dogmatism when argument is most needed. His language is well calculated to exalt the zeal of those to whom, and for whom, he evidently speaks; but often rather to repel than to attract the doubting enquirer. This, however, is in accordance with the principles as well as the practice of the school to which he belongs. They usually address themselves, not to the sceptic or the neutral, but to those who come ready prepared with faith for the occasion. They esteem it their appointed office, not to convince, but to maintain; not to convert, but to bear testimony; and to trust that conversions will follow. And, up to a certain point, they may with reason boast of the success which attends this mode of proceeding; for the conversions obtained by an imposing earnestness of assertion are more numerous and brilliant, if less durable, than those effected by argument. In point of rhetorical taste, his style appears to us to want precision; his diction is too cumulative; his sentences long and loose; and his precise meaning sometimes not very clearly perceptible where the general sentiment is obvious enough. But these are comparatively trifling criticisms: the subject of the Sermon before us, and the manner in which it is treated, are too great and imposing to allow us to dwell on mere defects of manner, in the presence of thoughts of the deepest interest; some of which address themselves to the individual conscience, whilst others arrest the imagi-

that 'there is no longer any Pretender to his Majesty's crown, and all classes of his subjects now regard him both as *de jure* and *de facto* the only true representative of our ancient line of princes.'—LOCKHART'S *Life of Scott*, V. 225.

nation, to fix it on that field of mysterious speculation opened by the dealings of Divine Providence with the fate of empires.

Of the peculiar school of opinions in matters of Church and State to which Dr Pusey belongs, we may have more to say at some future time; for its propagation, and the degree of celebrity which it has attained, bring it under public notice in a variety of ways. It is undoubtedly little understood, and not a little misrepresented, especially out of its metropolitan seat at Oxford. Those who speak of 'the new Oxford school,' and the 'authors of the Tracts for the times,' generally know little about them, except as entertaining exaggerated notions of church authority—very recalcitrant against the commanding authority of the state—and distinguished by some odd peculiarities of conduct and language, which afford a good deal of scope for the raillery of the uninitiated. There is far more than this in the new manifestation of opinion, if not quite so much as its authors themselves seem to imagine. In fact, their chief characteristic appears to be, that they collect together the scattered notions which have been prevalent, ever since the Church of England separated from that of Rome, among the orthodox or High Church portion of her divines; and strive to array them in a more systematic shape than has usually been attempted. Thus, those principles which the recognised forms of the Church and the writings of its standard divines rather indicate than absolutely enforce—towards which their language appears to tend, but which, speaking generally, they do not lay down as conditions of orthodoxy—such as the absolute unity of the true Church in government and doctrine—the sanctity of the Episcopal succession—the high authority of primitive tradition—the transcendental doctrine of the sacraments—the reverence due to saints and martyrs, fasts and festivals—the power of absolution, and many more—all these they define and embody as articles of faith; attempt to weave them together into a complete fabric; and carry them all out into their remotest consequences without hesitation or compromise. In their view there are in religion few or no things speculative, probable, or indifferent: from the highest dogma to the most trifling ceremony all is fact or falsehood,—Catholic verity or heretical invention. This tendency to systematize seems to us to be at once the main cause of their strength and their weakness. It rallies round them a great number of associates,—particularly among the young, and chiefly in the clerical profession; because the number of minds to which any thing positive in religion,—any standard of faith which may spare the toil of investigation, the anguish of doubt, and the disappointment of compromise,—has irresistible charms. To a great many such,

it matters little what the precise doctrine is, provided it offers something certain and bodily, as it were, to the sense, and some exclusive object to pursue. Thus zeal attracts zeal by a natural affinity, however dissimilar the mode in which each may at the outset have sought to manifest itself. There is no more remarkable proof of this than the numbers, especially among the clergy, heretofore attached to what are called Evangelical principles, who have gone over and fraternized with the new sect, with which they had no one quality in common but enthusiasm;—passing as it were without an effort, from one pole to the other of religious opinion and sentiment, for the sake of the newer excitement. But, on the other hand, when the first ardour, both of proselytes and of sects, begins to cool, and the impulse of enquiry to succeed that of enthusiasm, this rigid spirit of system is apt to work a natural reaction. The mind, revolted by some of the extreme consequences to which the argument is pushed, is driven back to examine the first principles of the structure; and finding how little those principles are adapted to bear that test of reasonable criticism, to which the Protestant must appeal in the last resort, and to which the Catholic constantly addresses himself, even while he professes to disallow it;—how much, in *all* elaborate doctrinal systems, is taken upon trust, how small a foundation of scriptural or historical authority is often made to bear a huge superstructure of theory;—it feels the very pillars of its faith shaken, and is driven either to go wildly forward in search of still firmer support in bolder theories, or to fall back upon the solitary fastness of Rationalism. The history of Protestant dogmatism, both in Lutheran and Calvinist countries, furnishes ample evidence of the open effects of this process on churches and on individuals; whilst that of Popery, could its workings be as fully revealed, would still more forcibly exhibit its secret consequences, in the general prevalence of infidelity among the educated and intelligent. The Church of England, except at some particular periods of her history, has been very little prone to run into dogmatical extremes; and this forbearance is esteemed by the school in question her weak point; which they endeavour to correct by giving a new precision to her doctrines, and a new tone to her language. And whatever might be the result if this party acquired (which is not very probable) a preponderance in her counsels, we cannot but believe that at present they do her, in the main, considerable service. They form one of the three extremes of opinion; the other two being represented by the Evangelicals and Latitudinarians [if we may be allowed, without discourtesy, to use party names in order to avoid inconvenient periphrases,] which are comprehended within her tolerant embrace.

The loss, or discouragement, of either of them would be, as the Spartan said of the destruction of Athens, the extinction of one of the eyes of Greece; and that each of them may continue to find able champions and zealous partisans will be the wish of all those who believe that truth makes more real way amidst the eddies of conflicting tendencies, than where the current of one predominating influence has turned back, or swallowed up those which should serve to correct and control it.

But, leaving these high considerations for others of more worldly import, connected with the political prospects of our times, it is impossible not to be amused at the ill-disguised terror and anxiety with which the array of these valiant but rash allies is contemplated—not by those whom they assail—but by those in whose ranks they stand. For, in any charge which they make upon the common enemy, they deal their blows with such zeal and impartiality that the recoil is sure to lay prostrate some of their own well-wishers. Their high disdain of all compromise and expediency, their glorious contempt for principles of popular sovereignty, their impracticable notions of Church authority, and, above all, the utter incompatibility of their views with those of the ultra-Protestants of England and Ireland, or with those of our Presbyterians;—all these are so many points of repulsion, which drive off, and keep at a distance, those who would fain associate with them for purposes of mutual advantage. Their voice is a potent element of discord in that camp of many languages in which their tents are pitched. Still the alliance may subsist tolerably well, as long as the confederates are sunk together in the darkness of opposition.

‘Concordes animæ nunc et dum nocte premuntur;
Heu quantum inter se bellum, si lumina vitæ
Aspiciant, quantas acies stragemque ciebunt!’

Should they ever emerge into the daylight of power, the ill-concealed contrast of parties and principles will soon burst out into open hostility, and end in permanent separation.

ART. VI.—*The Highlanders of Scotland, their Origin, History, and Antiquities ; with a Sketch of their Manners and Customs ; and an Account of the Clans into which they are divided, and of the State of Society which existed among them.* By WILLIAM SKENE, F. S. A. S. Two volumes, 8vo. London : 1837.

THE interest which we have invariably evinced in the progress of our historical literature, and the pains we have taken to bring into view every contribution that seemed calculated to promote its advancement, naturally fixed our attention upon the present work. In the actual state of depression and neglect into which historical enquiry has unhappily fallen in this country, as compared with some others, particularly Germany and France, we were disposed to hail its appearance as symptomatic of the approach of a new era in the intellectual pursuits of our countrymen ; and, under the influence of this feeling, we turned to it with that avidity which the curious and interesting topics announced for discussion in its title-page, is so strongly calculated to excite.

Nor have we been altogether disappointed. The work, independently of its intrinsic merits, possesses several extrinsic recommendations, which, of themselves, would have been sufficient to direct particular attention to its contents. In the first place, it is ushered into the world under the sanction and auspices of the Highland Society of Scotland, which having offered a premium for the best History of the Highland Clans, adjudged the prize to Mr Skene ; and ‘deeming his work worthy of the attention of the public, requested that it might be published.’ Secondly, in complying with this request, the author has, in his own person, preferred ample claims to originality. ‘A glance at the table of contents,’ says he, in his preface, ‘will show that the system is entirely new ; that it is diametrically opposed to all the generally received opinions on the subject ; and that it is in itself of a nature so startling, as to require a very rigid and attentive examination before it can be received.’ On the double ground, therefore, of authority and of novelty, this ‘system,’ described as at once so ‘new’ and so ‘startling,’ and which ‘is diametrically opposed to all the generally received opinions on the subject,’ certainly demands ‘a very rigid and attentive examination ;’ much more so, indeed, than, we fear, it will be in our power to bestow upon it, notwithstanding our desire to afford our readers a just measure of the author’s pretensions, and at the same time to put to the test the authorities and

arguments upon which his 'system' is founded. But, without attempting to follow Mr Skene through the wide field in which he expatiates, or to discuss all the doubtful and perplexed questions which he conceives himself to have definitively resolved, we shall endeavour, first, to make our readers somewhat acquainted with the 'entirely new system' which he has proposed, in contradistinction, or, rather, in 'diametrical opposition, to *all* the generally received opinions on the subject ;' secondly, we shall shortly consider the validity of the claims to originality which he has so unequivocally announced ; and, thirdly, we shall briefly discuss some of the leading arguments and authorities upon which his 'system' is founded.

To prevent misconception, however, it is proper to premise, that, in the present article, we intend to confine ourselves exclusively to the consideration of the speculative or theoretical views which have led Mr Skene to adopt the conclusion, that the received opinion respecting the descent of the Highlanders from the Dalriadic Scots is fundamentally erroneous. His work, it will be observed, resolves into two parts ; the first treats of the origin, history, and antiquities of the Highlanders, and also of their peculiar customs and manners ; whilst the second embraces a history of the Highland clans, constructed in conformity to certain old genealogies. The latter portion, however, is entirely beyond the purview of the scheme according to which our observations will be arranged ; and even in regard to the former, our criticisms will be strictly limited to the chapters in which the author has endeavoured at once to overthrow the received system, and to build up one 'entirely new' upon its ruins. We have neither time nor space to devote to matters of mere detail, even if they were of a more interesting nature than is really the case. Nor is it at all necessary that any such exposition should be attempted. For Mr Skene himself has distinctly admitted, that the 'system of history' developed in the second part of his work, 'emerged upon the *basis*' of his theory as to the Pictish descent of the Gael ; and, consequently, if it can be shown that the foundation is insecure, the *emergent* superstructure may safely be left to its fate.

I. That the Highlanders, who were at first called Scots, originated from Ireland, the ancient Scotia, has hitherto been considered as an undoubted historical fact. The arrival or return of the Scots from Ireland, under Fergus MacErth and his brother Loarn, is established by the concurring testimony of every Scottish and Irish historian ; and their first landing is stated by the Venerable Bede to have taken place under their leader Rona.

or Riada, from whom their settlement was named Dalriada.* Their migration is confirmed by all the Irish histories; and their arrival took place about the year 258, when a colony was first conducted by Riada to Argyle, in the southern part of which it settled. In the next century they are mentioned by Ammianus Marcellinus, under the denomination of Attacotti and Scotti;—they make a distinguished figure in the *Notitia Imperii*, a work of the fifth century;—and they appear to have retained the same settlements in Argyle until they were expelled from thence by the Picts. That they were a new people may be inferred from the circumstance of their being altogether unknown to Ptolemy, in whose map of North Britain no mention whatever is made of them. Restored by Fergus in 503, they re-established themselves in their original settlements, which they continued to occupy until about the middle of the ninth century; and from this colony, which was unquestionably of Celtic origin, the Highlanders are commonly supposed to have sprung.

But Mr Skene has proposed a different theory. From a very early period he had, he says, been convinced that there was in the received system 'some fundamental *error* which prevented 'the elucidation of the *truth*,' as all errors commonly do; and 'after a long and attentive examination of the early authorities 'in Scottish history,' together with 'a thorough investigation' of the Icelandic Sagas and the Irish Annals, he arrived at the conclusion that this error consisted solely in the supposition, that the Highlanders were descended from the Dalriadic Scots, and that their country had been included in the Scottish conquest, which is supposed to have taken place in the ninth century.†

The detection of error is commonly the first step towards the discovery of truth. Accordingly, Mr Skene, starting from

* According to Bede *Dál* means a *part*. 'A quo videlicet duce '[Reuda vel Riada] usque hodie Dalreudini vocantur; nam lingua 'eorum *DAL partem* significat.' Pinkerton, however, says that '*Dal* 'or *Dæl* is a *part* in the Gothic, not in the Celtic, in which *Dál* signifies a *tribe*;' and he quotes Kennedy, (p. 106), in support of this opinion. But we must be excused if, in this instance, we prefer the authority of the historian to that of the antiquary. That *Dál* literally means in Gaelic a *part* or *division* is evident from all the words into the composition of which it enters, as *Dalree*, the King's Field; and hence *Dalriada* must mean the *part*, *district*, or *territory* occupied by Riada, the Reuda of Bede, and other historians.

† Pinkerton's *Enquiry into the Hist. of Scotland*, vol. ii. part iv. chap. 3 and 4. Laing's *Hist. of Scotland*, vol. iv. p. 410. Innes's *Critical Essay*, vol. ii. p. 640, *et seq.*

this point, proceeded to investigate the subject with all the care imaginable; and the consequence has been, that he conceives himself to have completely demonstrated a series of propositions which, if actually established by sufficient evidence, would unquestionably overthrow the received opinion, supported as it is by the concurring testimony of historians, and corroborated by the admitted identity of race and of language. These propositions are,—first, That from the earliest period down to the end of the fifth century, the part of Scotland extending to the north of the Friths of Forth and Clyde, was inhabited by a single nation termed indifferently Caledonians and Picts;—secondly, That in the beginning of the sixth century, an Irish colony arrived in Scotland and obtained possession of the southern part of Argyle, and that during a period of more than three centuries, the relative situations of the Picts and Dalriadic Scots remained unaltered;—thirdly, That during this period, the Picts were divided into two great nations, namely, the Dicalledones, or Northern, and the Vecturiones, or Southern Picts; that the Northern Picts inhabited the whole of the mountainous parts of the country, with the exception of the Dalriadic territories, whilst the Southern Picts occupied the plains; that in the year 843, the Dalriadic Scots conquered the Southern Picts, but this conquest was confined to that branch of the Pictish nation alone; and that, whilst the Northern Picts *probably* assisted the Dalriadic Scots in subduing their brethren of the plains, their own situation was not in any respect altered by this (imaginary) conquest, but, on the contrary, they remained in full possession of the north of Scotland;—and, fourthly, That the Northern Picts occupied the whole of the Highlands as late as the end of the ninth century; speaking *the same language*, and bearing the same national name as the Highlanders.

‘These facts,’ says Mr Skene, ‘supported as they are by evidence of no ordinary description, leads (lead) us to this simple result, that the Highlands of Scotland have been inhabited by the same nation from the earliest period to the present day;’ and ‘that while the tribes composing that nation have uniformly styled themselves Gael or Albanich, they have been known to the numerous invaders of the country, under the various appellations of Albiones, Caledonii (*Caledones*), Picti, Dicalledones, Cruithne, Northern Picts, Reddschankes, Wild Scottis, and Highlanders.’—(Vol. i. p. 87.)

Now, we have two objections to the ‘simple result’ of Mr Skene’s laborious researches: the first is, that his theory is not new; and the second, that it is not true. It has no pretension whatever to novelty, in as far as regards its essential principle,—

namely, that the Picts or Caledonians were Celts; and with respect to the modifications which the author has attempted to introduce, they appear to us, after all the consideration which we have been able to bestow upon the subject, to be even more incongruous and untenable than the principle itself. Nor, on the other hand, have we ever met with any instance of an attempt to challenge a settled opinion upon grounds so vague, assumptions so gratuitous, and authorities so ill-considered and inconclusive;—to say nothing of the dogmatism with which they are produced and insisted on in a production 'crowned' by the Highland Society of Scotland.

II. The question of originality may be very quickly disposed of. Until the year 1707, when Lloyd's *Archæologia* appeared, every writer who mentioned the Picts, except Cambden, assigned to them a Teutonic origin. From the time of Bede downwards this had been the received opinion. The author of the *Britannia*, however, misled by 'some very ignorant Welshman,' adopted the strange notion that the Picts were originally Welsh, and incurred no little ridicule in stating it gravely. 'Cambden,' says Pinkerton, 'is a valuable topographer, which he may well be 'without any pretence to learning; but with regard to the origin 'of nations, a subject requiring the most profound learning, his 'knowledge was most imperfect, and is the object of contempt to 'his learned countrymen Usher, Stillingfleet, Sheringham, and 'others.' The same doctrine, however, was maintained by Lloyd in his *Archæologia*, published in the year 1707; and Innes in his *Critical Essay*, which appeared in 1719, contended that the Picts were the ancient Britons of the north, or *Wallenses*, and consequently of Cambro-Celtic origin;—an opinion which was afterwards adopted by Guthrie, Hume, Whittaker, and several others. Next came the two Macphersons, who, rejecting the notion of Welsh origin, derived the Picts from the Gael or Irish; and in this opinion they were followed, without due enquiry, by Henry and Gibbon, neither of whom appears to have bestowed the slightest examination on the subject.

Mr Skene, therefore, had not far to seek in order to discover that the supposition that the Picts or Caledonians formed a branch of the great Celtic stock was any thing but a novelty in historical literature; and as that people, or at least a portion of them, occupied the greater part, if not the whole, of the north of Scotland, it surely required no effort of generalization to arrive at the conclusion, that the modern Highlanders must, on this supposition, be their descendants. Assuming it as established, that the Picts were Celts, and spoke the Celtic lan-

guage, every difficulty would at once vanish ; in as far as regards history, Mr Skene has undertaken to throw an 'entirely new' light : indeed, there would not remain a single ground upon which to build a doubt respecting their fraternity and cognation. If the Picts were Celts, so also were the Dalriadic Scots ; and as these are the only two races whose claims enter into competition for the honours of Highland ancestry, their identification in lineage and in language would at once settle the question. Out of the commonly received opinion, however, there emerges a case of a very different description ;—one, indeed, in which there are two important points to be considered. The first has respect to the origin and descent of the Picts ; and the second, supposing it proved that the Picts were of Teutonic extraction, has for its object to ascertain from what branch of the great Celtic family the modern Highlanders are to be derived.

It is no doubt true that Mr Skene regards the northern Picts 'as a *distinct* body,' known under the 'peculiar appellation of '*Cruithne*,' and not only having no sympathy with their southern brethren of the same name, but being ever ready to combine with any enemy against them. The epithets 'northern' and 'southern' do not, in his conception, indicate a geographical distinction merely, or two parts of the same national family, the one inhabiting the southern and the other the northern part of the country, as we should naturally have supposed. He carries the matter much farther, and assures us that the northern Picts were 'a distinct body;' in other words, that they differed both from the southern Picts and from the Dalriadic Scots ;—that the latter were assisted in their alleged conquest of Scotland by the Cruithne or northern Picts ;—and that, after this supposed conquest, 'the northern Picts, although they owed a nominal submission to the kings of the Scottish line, yet *remained in fact independent, and still retained their ancient territories and peculiar designation.*'—(Vol. ii. p. 64.) This is the only 'peculiarity' which we can discover in Mr Skene's 'system,' as he is pleased to call it ; and if it were founded in truth or reason, it would unquestionably present one of the most extraordinary anomalies to be found in the history of mankind.

The northern and southern Picts were either people of the same aboriginal stock, or they were not. If they were identical in origin and race, then it follows, from Mr Skene's principles, that Scotland, at the period to which this discussion refers, was inhabited only by Celts ; and, upon this supposition, no doubt or difficulty can possibly arise as to the parentage and descent of the modern Highlanders. But if they differed in both these respects,—if the southern Picts belonged to one great primitive

stock of men, and the northern Picts to another,—it seems passing strange that two such distinct bodies or races of mankind should invariably be noticed by historians under one and the same generic name, viz. that of Picts; that the identity of this race with that which is otherwise called Caledonians should be unequivocally maintained or indicated by every author of the least authority on the subject; and that Mr Skene, whose theory imperatively requires the assertion of such a discrepancy, if it had been at all feasible to risk so singular and anomalous an allegation, should have cautiously avoided giving us the slightest hint respecting the lineage of the southern, as compared with that of the northern, Picts. Upon this part of the subject, indeed, he observes the most guarded silence. Nor is it to be wondered, that he should have exercised this caution, because a single admission, either the one way or the other, would have at once overthrown the house of cards which he had built up with such painful industry.

Upon the whole, then, it is obvious that, in as far as his general principle is concerned, Mr Skene must be content, however reluctantly, to abandon all claim to originality; and that the only peculiarity by which his 'system' is distinguished is founded upon an implied assumption, which is at variance with all authority, inconsistent with reason, and, if explicitly stated, subversive of the very 'system' which it is intended to support.

III. But having said that this 'system,' even if new, is not true, or in other words, that it is unsupported by any thing deserving of the name of evidence, we shall now proceed to make good this general description of it, by a discussion of some of the leading arguments and authorities upon which it professes to be founded. We have no intention of following Mr Skene throughout the great multiplicity of collateral and not very relevant details with which he has encumbered his argument. On the contrary, we shall keep closely to the main question which alone we propose to discuss at present; and, in the course of our observations, we shall be able, we think, to show that if a revolution is to be effected in this department of Scottish history, the change must be produced by a more accurate, and a more discriminating enquirer than Mr Skene.

In the commencement of his first chapter, Mr Skene, before proceeding to prove (what no one, as far as we know, has ever disputed), that the Caledonians and Picts were the same people, lays down several canons of historical criticism, in regard to which we think it necessary to make a few preliminary observations.

After telling us that 'the authorities upon which the genuine 'history of Scotland is principally grounded' may be divided into

three classes; he goes on to state, that the Roman authors 'ought to be ranked as first in importance;' and that 'it is *exclusively* from them that the *great leading facts* in the early history of the country ought to be taken.' We admit, in the fullest extent, the validity of this principle, and only regret that Mr Skene himself should not have observed it. His acquaintance with these authors, notwithstanding the importance justly attached by him to their statements, appears to be extremely limited. His manner of citation is to collocate detached limbs or fragments of sentences, without giving the reader any intimation of the intermediate portions omitted; and he takes no notice whatever of the most important passages to be found in their works. A single example will be sufficient to establish the truth of this charge; to which, in other and similar instances, Mr Skene has unfortunately laid himself open. Tacitus is the first writer who mentions the Caledonians or Picts, and he gives it as his opinion, that they came from Germany, which, as Pinkerton observes,* seems, in his view, to have included the people of Scandinavia, the Suiones, and also the Sitones. The words of the Roman historian are as follows: 'Ceterum, Britanniam qui mortales initio coluerint, indigenæ an advecti, ut inter barbaros, parum compertum. Namque *rutilæ Caledoniam habitantium comæ, magni artus, Germanicam originem adseverant*. Silurum colorati vultus, et torti plerumque crines, et posita contra Hispania, Iberos veteres trajecisse, easque sedes occupasse fidem faciunt. Proximi Gallis, et similes sunt: seu durante originis vi; seu, procurrentibus in diversa terris, positio cœli corporibus habitum dedit: in universum tamen æstimationi, Gallos vicinum solum occupasse, credibile est.'† Now, from this passage we learn three things: first, that the Caledonians or Picts exhibited in their physical formation and attributes, the distinctive type of the Teutonic or Scandinavian race;—the grand features of which are, to this day, red hair and large limbs; secondly, that the Silures, from their tawny complexions, and generally curled hair, as well as from the position which they occupied, were supposed to have been of Iberian or Spanish origin; and, lastly, that the Britons opposite the Gauls, resembled that people both in their physical conformation, and in their language, (*sermo haud multum diversus*.) Here, then, is an authority which strikes directly at the roots of Mr Skene's whole theory, by a re-

* Pinkerton's *Enquiry into the History of Scotland*, vol. i. part iii. chap 3, p. 185.

† Tacitus in *Vita Agricolæ*, c. 11.

ference to the distinctive and indestructible types of race;* yet all that relates to the Caledonians has been carefully omitted by him; and he collocates two fragments of the passage in the following extraordinary fashion:—

‘ Proximi Gallis et similes sunt,
Sermo haud multum diversus.†

If the Roman authors ‘ought to be ranked as *first in importance*,’ and if ‘it is *exclusively* from *them* that *the great leading facts* in the early history of the country ought to be taken,’ it must be admitted that this is an ‘entirely new’ method of dealing with their statements. But we shall hereafter have occasion to show that this is not a solitary instance of the liberties which Mr Skene has somehow permitted himself to take with the texts of authors whom he cites in support of his ‘system.’

Secondly, Mr Skene, speaking of ‘the early monkish writers,’—as Bede, Gildas, Nennius, Adomnan, and others, observes—‘Much of the *error* into which former writers have been led, has arisen from an improper use of these authors; *they should be consulted exclusively as contemporary historians!*’ The object of this sin-

* In no instance, as far as we have observed, does Mr Skene take into his consideration the distinctive types of race, which, in questions of anthropology, are, perhaps of all criteria, the most important, because the most permanent and consequently the most certain. ‘Every one,’ says Pinkerton, ‘who has been in North Britain, knows that the Lowlanders of that country are as different from the Highlanders, as the English are from the Welsh. *The race is so extremely distinct as to strike at first sight!* In person the Lowlanders are tall and large, with fair complexions, and often with flaxen, yellow, and red hair, and blue eyes; the grand features of the Goths, in all ancient writers. The lower classes of the Highlanders are generally diminutive, if we except some of Norwegian descent; with brown complexions, and almost always with black curled hair, and dark eyes. In mind and manners the distinction is as marked.’ (*Enquiry*, vol. i., part iii., chap. 10.) If all history were utterly extinguished, therefore, we should know to a certainty, from the persons, manners, and language of the Lowlanders, that they were of a different race from the inhabitants of the mountains; and that, whencesoever the origin of the latter may be derived, the former came from the opposite continent. Is this marked difference, then, an element to be kept altogether out of view in a discussion having for its object to determine the origin, descent, and peculiar characteristics of these two races of men? Tacitus was not of this opinion, when he stated that ‘the red hair and large limbs of the inhabitants of Caledonia indicated their German origin.’

† By an error of the press, we presume, these scraps are cited thus: ‘Tacitus in *Vita Agricola*.’

gular canon seems to be, to get rid of the authority of Bede and some others, particularly the former, respecting the origin of the Caledonians or Picts;—an authority, we may remark in passing, which, rightly understood, is perfectly in accordance with that of Tacitus above cited, and other Roman writers. But we altogether deny the soundness of the canon which is here propounded. So far from receiving as true ‘whatever they assert as existing or ‘occurring in their own time, or shortly before it,’ and rejecting all the rest as ‘undeserving of credit,’ we hold very nearly the opposite doctrine; and excepting those events or occurrences which fell within the personal knowledge or observation of each, we maintain that they can scarcely ever be consulted, with safety, ‘as contemporary historians.’ In the early age when they lived and wrote, the interchange of communication was slow, uncertain, and precarious. Knowledge of every kind circulated with great difficulty, amidst accumulated obstructions; and it was only after the lapse of very considerable intervals of time, that any thing approaching to accurate information could be procured, or the truth even partially ascertained. If, even in modern times, with all their facilities of intercourse and communication, contemporary historians commit the greatest mistakes, how infinitely more liable to error must have been those early writers, who lived in a barbarous age, surrounded by anarchy and violence, and destitute of every source of information except what accident or chance threw in their way? To represent such writers as authorities in regard to contemporary occurrences, is to presume largely upon the ignorance of modern readers. But their testimony is nevertheless of the greatest value and importance respecting all that was generally believed and known at the times when they wrote; and it is in this respect chiefly that their works are highly instructive to the enlightened and philosophical historian, who, instead of attempting to draw an arbitrary line of demarcation, like that proposed by Mr Skene, tests their various statements by the established laws of evidence, and the principles of sound criticism.

We had likewise some observations to offer respecting the third class of authorities mentioned by Mr Skene, namely, the *Annalists*, and particularly in regard to the use which he has made of the *Norse Sagas*; but we shall postpone all further preliminary remarks, and proceed to examine some of the leading arguments he has produced in support of the ‘system,’ which he conceives himself to have so fully established.

1. Mr Skene’s opening chapter has for its object to prove, first, that the Caledonians and Picts were one and the same people; and, secondly, that the Dalriadic Scots were an Irish colony,

which arrived in Scotland about the beginning of the sixth century, and obtained possession of the southern part of Argyre. In reference to the former of these propositions, however, there appears to have been little occasion for undertaking to prove a point, which had long ago been completely settled. Innes and Pinkerton differ very widely as to the origin of the people first called Caledonians, and afterwards Picts, by the Roman writers; but both these writers are entirely agreed as to the identity of the race to which these names were at different periods applied;* nor are we aware that this fact has been seriously disputed by any author of the least credit or authority, on the subject of the early history of Scotland. The name of *Picti* is first used by Eumenius the Panegyrist, in a passage which has become the more famous as its construction in the old edition puzzled Buchanan, and some other Latin scholars of great eminence; and it is not a little remarkable that the same writer who first uses the name also speaks of 'the Caledonians and *other* Picts,' in order that, as Pinkerton observes, not a doubt might remain 'even with the most ignorant.' The words of the original are as follow:—'Neque enim ille (Constantinus) tot tantisque rebus gestis, non dico Caledonum, *aliorumque Pictorum*, silvas et paludes, sed nec Hiberniam proximam, nec Thulen ultimam, nec ipsas, si quæ sunt, Fortunatas insulas, dignatur acquirere.' It was, therefore, a work of supererogation to prove, what no one had disputed, that the Caledonians were Picts; or, in other words, that both these names were applied to one and the same people. The ulterior question, as to whether the Picts were of Celtic or of Teutonic origin, still remains behind; and must be settled, if it can be settled at all, by other evidence.

The first of the two passages here referred to, affords us an occasion to notice another instance of Mr Skene's unfortunate inaccuracy in quotation. After telling us, on the authority of Eumenius, that the Picts 'certainly existed in Britain as early as the days of Cæsar,' he subjoins the following quotation from that author, which we give exactly as he has printed it:—'Soli Britanni Pictis modo et Hibernis *assueti* hostibus.' Now, taking this excerpt as it stands, it is grossly ungrammatical; and, although a portion of the sense may be divined, the mere dislocated limb of a sentence can of course convey no accurate notion of the author's meaning. The entire sentence runs thus:—'Adhoc natio etiam tunc rudis, et soli Britanni, Pictis et

* *Critical Essay*, Vol. i. chap. iii. p. 41. *Enquiry into the History of Scotland*, Vol. i. Part iii. Chap. 1.

'Hibernis modo assueta, hostibus adhuc seminudis, facile Romanis armis, signisque, cesserunt.' Buchanan proposed to understand *solī Britanni* in the genitive,—'of the British soil;' but as *Britannus* is a substantive signifying 'a Briton,' and never used adjectively, at least in prose, where *Britannicus* is the proper epithet expressive of 'British,' this interpretation was found to be inadmissible; and considerable doubt prevailed as to the true import of this sentence, until the year 1779, when Schwartz and Jäger, in their valuable edition of the Panegyrist, published at Nuremberg, restored it from a manuscript to which they had access, and which enabled them to render it ultimately blameless and perfect. In its amended state, the passage stands thus:—'Ad hoc natio etiam tunc rudis; et solis Britanni Pictis modo et Hibernis assueti hostibus, adhuc seminudis, facile Romanis armis, signisque, cesserunt.' All this information, and more, Mr Skene might have derived from Mr Pinkerton's *Enquiry*, if he had taken the trouble to consult it.*

2. In the next place, Mr Skene has not informed us upon what precise authority he fixes the *first settlement* of the Dalriadic Scots in southern Argyle at or about the beginning of the *sixth* century. Upon this point his statements are vague and inconclusive. It is no doubt true that some English and Irish antiquaries—as Usher, Lloyd, Stillingfleet, O'Flaherty, and others—have omitted all notice of the original colony, and represented the second, which arrived in the year 503, as having effected the first settlement. But this has arisen from overlooking the authority of Bede, which, notwithstanding all that has been said by Mr Skene, we consider as the most important that can be produced in reference to this question; and also from neglecting to compare it with others by which it is, in every essential point, completely confirmed. The general result is, that the first settlement was effected about the year 258, under Cairbar Riada (called *Reuda* by Bede), from whom the country derived the name of Dalriada, whilst the settlers were called Dalreudini or Attacotti;

* According to Buchanan's proposed construction of *solī Britanni*, the meaning would be, 'Moreover, the nation being then rude, and used only to the Picts and Irish of the British soil, enemies still half-naked, easily yielded to the Roman arms.' But, according to the restored reading, which harmonizes both the construction and the sense, it runs thus:—'Moreover, the nation was then rude; and the Britons, accustomed only to contend with such half-naked enemies as the Picts and the Irish, easily yielded to the Roman arms.' We give these translations to show the importance of the most minute examination of authorities.

and that the latter, having been expelled by the Picts, were afterwards restored to their original possessions in 503, and established the kingdom of Dalriada, which lasted until 843, the date of the pretended Scottish conquest by the Dalriads and northern Picts. Upon this subject, however, it is only necessary to refer to Mr Pinkerton's *Enquiry*, in which the reader will find all the authorities collected and discussed, with equal learning and ability.

3. But the pivot of Mr Skene's whole 'system' is the distinction which he attempts to draw between the *northern* and *southern* Picts. Instead of considering these epithets as merely geographical, he endeavours to show that they are descriptive of two separate and independent 'nations' or 'tribes;' and he fortifies himself in this position from the one being called *Dicaledones* and the other *Vecturiones*, by the Roman writers. 'They are described,' says he, 'as having been divided into two great *nations*, Dicaledones and 'Vecturiones;' and again, 'This distinction of the Pictish *nation* into two great *tribes* of the Northern Picts or Dicaledones, and 'Southern Picts or Vecturiones, took its origin, probably, from 'accidental circumstances.'—(Vol. i. pp. 34, 35.) Here, then, we have, first, the *Picts* divided into two great *nations*; and, secondly, the *Pictish nation* divided into two great *tribes*. In the one case, we have *distinct* nations; in the other, we have but *one* nation divided into two distinct *tribes*. Does Mr Skene really suppose that these incompatible statements are equivalent; or if so, how is it possible to reason with a writer who thinks so inaccurately, and expresses himself so loosely? He forgets, too, that the *real* question to be resolved is not whether the Picts were divided into two *nations*, or whether the Pictish nation was divided into two *tribes*, but whether these nations or tribes were of the *same* or of a *different original race*. If they were sprung from a common stock, it matters nothing to the point at issue, that the one portion was called Dicaledones and the other Vecturiones; or that the former occupied the mountainous part of the country, and the latter the plains between the Frith of Forth and the Grampians. But if they were of a different race,—or, at least, if it was intended to convey such a notion, as in fact appears to be the case,—why has not Mr Skene said so at once, and produced his proofs, instead of confusing himself and his readers by such incongruous distinctions as those just noticed? We repeat, that the real question at issue is one as to *race* alone; and this question Mr Skene has left precisely where he found it. 'The 'divisions of Ammianus,' says Pinkerton,* 'are the same with

* *Enquiry into the Hist. of Scotland*, Vol. i. part iii. chap. 1. 118.

'those of Beda,* who mentions the Southern Picts below the Grampians (*Vecturiones*); and the Northern Picts above them (*Dicaledones*). The former name of *Vecturiones* was in fact the proper and real name which the Picts gave themselves, the *Pehtar* or *Pechtar* of the Saxon Chronicle, the *Vikveriar* or *Vichtveriar* of the Icelandic writers softened and latinized. As these lived close to the frontier, and had in peace frequent intercourse with the Provincials, the name *they gave themselves* was of course known and used; while the Northern Picts living at a distance, the old name of *Caledones* and *Dicaledones* was as naturally retained for them. Yet it was known that *they were all Picts, all ONE people*, though divided by a chain of mountains. Mr Macpherson,' adds the same author, 'derives the name *Deucaledones* from their northern position, and I am happy at once to agree with him.' This is clear, distinct, and satisfactory. In fact, it would be quite as rational to suppose that

* Mr Skene has borrowed from Pinkerton—to whom, or to Father Innes, he is indebted for almost every authority he cites on this branch of his subject,—a passage from Bede, which, according to him, proves that the *two-fold division* of the Pictish nation subsisted at least down to the eighth century. 'The origin of this division,' says he, 'cannot now be traced; but as it apparently did not exist in the time of Ptolemy, it must have owed its origin to circumstances occurring subsequent to that period.' It would be a pity if the cloud which rests on the *origin* of this two-fold division were not dispelled. Let us attend to Bede, whom, on this occasion, Mr Skene calls into court to bear evidence in his favour. That venerable author informs us that St Columba came over from Ireland '*prædicaturus verbum Dei provincii Septentrionalium Pictorum, hoc est, eis qui, arduis atque horrentibus montium jugis, ab australibus eorum sunt regionibus sequestrati.*' Namque ipsi Australes Picti qui *intra* eosdem montes habent sedes, multo ante tempore, ut perhibent, relicto errore idolatriæ fidem veritatis acceperant.' (lib. iii. c. 4.) Now, if Mr Skene had clearly understood this passage, he would have discovered, first, that Bede marks the distinction of northern and southern Picts as one purely *geographical*; secondly, that by the words '*ab australibus eorum* (Pictorum)' he completely identifies the Picts of the north with those of the south; and, thirdly, that, in the above passage, *intra* means 'on this side,' in opposition to *extra*, which signifies 'beyond.' But that Mr Skene did not understand it, is proved by the elementary mistakes which he has committed in transcribing and printing it. Thus, for '*hoc est eis qui*' (viz. Picti) he prints '*hoc est eis quæ*;' and for '*ab australibus eorum sunt regionibus sequestrati*,' he gives '*ab australibus eorum sunt regionibus sequestrate*;' thereby annihilating the grammatical construction, and vitiating the whole passage.

the northern and southern Welsh formed two separate nations or tribes, as to adopt the extraordinary notion which Mr Skene has sought indirectly to promulgate.

4. The Scottish Conquest, as it is called, is a great stalking-horse of Mr Skene. In the general summary of his doctrine on this point, he tells us 'that in the year 843, the Dalriadic Scots conquered the Piccardach or southern Picts, but that *their conquest was confined to that branch of the Pictish nation alone* ; and that, while the northern Picts *probably* assisted the Dalriadic Scots in that conquest, *their* situation was, at all events, not in any respect altered by it, but, on the contrary, that *they remained in full possession of the north of Scotland.*' Now, if this were true, it would deserve to be regarded as one of the most curious circumstances recorded in history. First, we are informed that a small colony of Irish origin, occupying only the southern part of Argyleshire, conquered the inhabitants of the extensive and comparatively fertile tract included between the Friths of Forth and Clyde, which even then was possessed by a numerous population. Secondly, we are told that the conquerors were 'probably' assisted in that conquest by the northern Picts, who, on this supposition, must have joined the Dalriadic Scots in a war of subjugation, if not extermination, against their southern brethren. Thirdly, it is further alleged that the situation of the former 'was, at all events, not in any respect altered by it ;' or, in other words, that they fought for love, as schoolboys term it, leaving to their friends the Dalriads all the glory and all the advantage of the victory. And, lastly, it is added, that abandoning every thing to their allies, they remained exactly as they were before, 'in full possession of the north of Scotland.' It can scarcely be necessary, we should think, to offer any formal or serious refutation of such positions as those which we have here noticed ; more especially as, under the subsequent head, we shall have occasion to show collaterally that they are altogether imaginary.

The period of Scottish history which extends from the year 843 to the year 1056, is, if possible, still darker than that which immediately preceded it. There is not even an Adomnan or a Bede to shed a ray of light through the deep obscurity which overshadows it. The Irish writers, wholly occupied with the miseries of their own country, scarcely mark, now and then, the death of a king of North Britain ; and in Scotland itself, not a native writer appeared until the thirteenth century. 'Unfortunately,' says Mr Pinkerton, 'the most important event in the ancient history of Scotland took place in this darkest night ; namely, the *union* of the Picts and Dalriads.' But we have no information respecting this remarkable 'union' till two centuries

afterwards ; when accounts the most palpably fabulous and absurd began to be followed by the old writers. That some event of this kind did actually occur, and that the whole of Scotland was *united* in one government under Kenneth, seems to be generally admitted ; but beyond this we know almost nothing. Mr Pinkerton, however, has shown that there was no conquest ; and, what is even more material to our purpose, there is not a shadow of proof that the language of the *Scotti*, that is, the Irish or Celtic, prevailed in Scotland after the time of Kenneth.

5. We come now to Mr Skene's fourth chapter, which is by far the most important in his book, and therefore merits a pretty close examination of all its leading points. It is headed thus :—'The Northern Picts called themselves Gael, *spoke the Gaelic language*, and were the *real ancestors* of the modern Highlanders.' Now, if it were proved, by unexceptionable evidence, that the Northern Picts actually 'spoke the Gaelic language,' we readily admit that this would of itself create a strong presumption in favour of the supposition of their having been 'the real ancestors of the modern Highlanders.' In order to arrive at some conclusion on the subject, therefore, we shall, first, consider the terms of the question proposed ; and, secondly, examine some of the authorities upon which Mr Skene mainly relies for establishing his position that the Northern Picts 'spoke the Gaelic language.'

The conditions of the question proposed appear to us to be totally incompatible with the supposition of the truth of Mr Skene's 'system.' If the southern and the northern Picts were originally of the same nation and race, as all the authorities without exception lead us to believe, then they probably spoke the same language. The contrary of this has not been, and indeed cannot be maintained. But, according to Mr Skene, the northern Picts spoke Gaelic, which, on the assumption of identity in origin and race, must also have, in all probability, been the language of the southern Picts. Both divisions, then, spoke the same, or dialects of the same language. But the Dalriadic Scots, as they are called, having originally come from Ireland, and being of Celtic origin, must likewise have spoken a dialect of the same language ; and, about the middle of the ninth century, when the Picts and Dalriads were united under one king and one government, the language of all Scotland must have been Gaelic, or at least Celtic. Pinkerton has shown, however, that no proof whatever exists of the language of the *Scotti* having prevailed in Scotland after the time of Kenneth ;—and in point of fact, we find that, by the commencement of the twelfth century, the Scottish language had been formed upon a Saxon model, with a Saxon grammar, whilst not a single trace of Gaelic or Celtic remained. How, then, did it come

to pass that, between the middle of the ninth and the commencement of the twelfth century, the Celtic entirely disappeared, and was replaced by a form of speech constructed on the Saxon model? Is there in all history any example to be found of a change so extraordinary, and, we may add, so improbable? The Celts are proverbially tenacious of their speech and their manners; indeed, it has been found impossible to eradicate the one, or to alter materially the other. Twenty centuries, perhaps, could not have effected the change which, by the supposition on which we are now arguing, must have been produced in less than three.

On the other hand, if it be alleged that the Picts were not one nation, but two, and that the northern Picts spoke one language and the southern Picts another;—we answer, that this cannot be assumed without proof, in the face of all known authorities, and that any inference drawn from such an assumption can have no validity whatever. The history of the Scottish language alone proves that, although the people may have been conquered by a Celtic tribe more warlike than themselves, as the English Saxons were by the Normans, yet that the great mass must have been of Teutonic, or, as Tacitus supposed, of Germanic origin. The language of the great majority always maintains its ground, even in spite of conquest and revolution. This happened in England, notwithstanding all the efforts of the conquerors to introduce the Norman French, and to displace a language which incessantly reminded the people of their native laws and customs, as well as of their ancient independence. They caused the laws to be written and administered in Norman French; but the people adhered with inflexible fidelity to the Saxon, and nothing short of their entire expulsion or extermination could have ever eradicated it. In Scotland, too, the language of the great mass prevailed; and thus, in whatever light the question may be viewed, or however it may be stated, the doctrine of Mr Skene appears to be inconsistent with all principle and experience. But let us attend for a moment to what he calls his ‘proofs.’

‘The first proof which I shall bring,’ says he, ‘that the Picts were a Gaelic race, and spoke a dialect of the Gaelic language, is from the Welsh Triads;’ which, it is alleged, were written ‘previous to the Scottish conquest in the ninth century.’ But what does this proof amount to? Why, that the Triads mention amongst the other usurping tribes in Britain, the *Gwyddyl Ffichti*, which Mr Skene translates *Gaelic Picts*, or *Pictish Gael*; and afterwards add that ‘these Gwyddyl Ffichti are in Alban, along the shores of the sea of Llychlyn.’ The term ‘Gwyddyl’ however, is confessedly applied to the Dalriads as well as Picts; and, consequently, it is at least equally probable that the former

only are meant by the words 'Gwyddyl Ffichti,' the term 'Ffichti' being a general denomination. Yet, on this apocryphal authority, Mr Skene maintains that the Picts and Dalriads 'must have been 'of the same race,' and that the former were 'a Gaelic people.' This is certainly a sweeping conclusion to be deduced from so scanty and doubtful premises. What would Mr Skene think of the logic of a writer who should affirm that the Highlanders and Lowlanders *must* be of the *same* race, because both are described generally as *Scots* or *Scottish*?

Our author's next proof, however, furnishes, in his opinion, 'the most *incontrovertible evidence* that the language of the Picts was 'a dialect of the Gaelic.' We shall therefore allow him to state it at length in his own words:—Adomnan, it is well known, wrote the 'life of Saint Columba in the seventh century, at a time when the 'Picts were at the height of their power. On one occasion he mentions, that when Columba was in Sky, a Gentile old man, as he 'always terms the Picts, came to him, and having been converted, 'was baptized in that island. He then adds this passage:—"Qui 'hodieque in ora cernitur maritima, fluviusque ejusdem loci in 'quo idem baptismum acceperat *ex nomine ejus DOBUR Artbrani* 'usque in hodiernum nominatus diem ab *accolis* vocitatus." It 'so happens, however, that "*Dobur*" in Gaelic means "a well," 'and that it is a word altogether peculiar to that language, and 'not to be found in any other. It has been fully proved in a 'preceding chapter, in discussing the extent of the Pictish territories, that the inhabitants of Sky must at that time have been 'Picts, and consequently, it will follow of necessity from this 'passage, *that they used the Gaelic language.*'—(Vol. i. p. 71.)

This, then, is Mr Skene's 'incontrovertible' proof that the northern Picts used the 'Gaelic language.' That there may be no mistake, however, we shall extract from Adomnan the entire passage here referred to; more especially as Mr Skene has only quoted the last sentence of it, which is unintelligible when detached from the context. It is entitled 'De quodam Artbranano 'Sancti prophetia viri,' and is as follows:—"Cum per aliquot dies in insula demoraretur *Scia* vir beatus, alicujus loci 'terrulam, mari vicinam baculo percutiens, ad comites sic ait: 'Mirum dictu, ô filioli, hodie in hac hujus loci terrula quidam Gentilis senex, naturale per totam custodiens vitam, et 'baptizabitur, et morietur, et sepelietur? Et ecce quasi post unius 'intervallum horæ navicula ad eundem supervenit portum, cujus 'in prora quidam advectus est decrepitus senex, primarius *Geone* 'cohortis, quem bini juvenes de navi sublevantes, ante beati conspectum viri deponunt. *Qui statim verbo Dei a Sancto per INTER-* 'PRETEM *recepto credens*, ab eodem baptizatus est, et post expleta

‘baptizationis mysteria, sicut Sanctus prophetizavit, eodem in loco consequenter obiit; ibidemque socii congesto lapidum acervo sepeliunt. Qui (*lapidum acervus*) hodieque in ora cernitur maritima, fluviusque ejusdem loci, in quo idem baptisma acceperat, ex nomine ejus *Dobur* ARTBRANANI, usque in hodie num nominatus diepm, ab accolis vocitatus.’*

In reference to the passage here quoted, we have to observe, in the first place, that the reading of *Scia*, or *Sky*, is given on the faith of a single manuscript in the British Museum, and is not that of the other editions of Adomnan. ‘Editiones ferunt *Scotiam*,’ says the editor; and if the latter reading be the true one, there is an end at once to Mr Skene’s ‘incontrovertible’ proof; for the *Scotia* of that age meant *Hibernia* or Ireland, where Celtic was undoubtedly spoken. Secondly, Mr Skene, who attaches so very much importance to the word, ‘*Dobur*,’ takes no notice whatever, of ‘*Geone*,’ the name of some military cohort amongst the Picts; although it would have obviously helped his argument greatly if he could have shown that this word was also of Gaelic origin. Thirdly, if ‘*Dobur*’ means ‘a well,’ it does not very clearly appear how such a term could, with any propriety, have been applied to a river (*fluvius*). The Gaelic name for a well is *Tobar*, *Tobair*, or *Tuibre*, which certainly possesses a considerable similarity in sound to ‘*Dobur*,’ and *Dobhair*, which, in the same language, signifies ‘the border of a country,’ or ‘water,’ comes still nearer.† But words similar, or even identical in sound, are not necessarily of the same language; and, at any rate, even if it were admitted that ‘*Dobur*’ is a Celtic term, such an admission would prove nothing in the present case. For Adomnan, the biographer of St Columba, was like the Saint himself, a native of Ireland; and nothing is more probable than that he may have used a term familiar to his own ears for its equivalent in another language, with which he was but imperfectly, if at all, acquainted. It is evident, indeed, from the sense of the passage, that the word ‘*Dobur*’ here employed means not ‘a well’ but a *font*, as will appear more clearly from the following translation,—‘Which (cairn) is still to be seen on the sea-coast; and the river of the same place in which the Gentile old man had received baptism, is to this day frequently called the *Font of Artbramanus* by those who live in the neighbourhood.’

* Adomnanus in *Vit. Columbæ*, lib. i. c. 23, in Pinkerton’s *Vitæ Antiquæ Sanctorum*. 8vo. London, 1789.

† See *Dictionary of the Gaelic Language*, published under the direction of the Highland Society, in *vocibus* *Tobar* and *Dobhair*; also Armstrong’s *Gaelic Dictionary*, under the same heads.

But, not to dwell on matters of secondary importance, the passage above cited from Adomnan distinctly proves, if any thing can, that the language of the Picts was *not understood* by St Columba, and therefore *could not have been of Celtic origin*. It is admitted by Mr Skene, that Adomnan every where calls the Picts Gentiles. The old man, who arrived in the boat, according to the Saint's prophecy, and who is called 'Gentilis senex,' was therefore a Pict, and the chief of the cohort called *Geone*. What followed his arrival and presentation? St Columba discoursed to him, *through an interpreter*, and he having believed 'the word of God' *thus preached* to him, was baptized, and immediately afterwards expired. It follows, therefore, that St Columba, who was an Irish Scot, did not understand the language of the Picts; and that, in discoursing to them, he was obliged to employ *an interpreter*, which he would never have found it necessary to do if the Picts had spoken the same language with himself.

Anticipating this conclusive objection to his 'uncontrovertible evidence,' Mr Skene makes an attempt to obviate it, and, in doing so, only involves himself in greater difficulties. 'Although Columba,' says he, 'is very frequently mentioned as conversing with the Picts, there are but two occasions on which any such expression is used, and in both passages the expression of Adomnan is exactly the same, viz. *Verbo Dei per INTERPRETATOREM recepto*.' To this the answer which we make is simply, that it is *not true*. Indeed, the assertion proves that Mr Skene has not taken the trouble of consulting the author whom he so confidently cites. In the passages here referred to, the expression of Adomnan is *not* 'exactly the same,' but, on the contrary, remarkably *different*! In the one his words are, 'Verbo Dei a Sancto per interpretem recepto credens,' *believing the word of God received through an interpreter*; and in the other he says, 'Quidam cum tota plebeius familia *verbum vitæ*, per *interpretatorem*, Sancto PRÆDICANTE viro audiens credidit,*' *a certain plebeian with all his family having heard the word of life PREACHED by the holy man, through an interpreter, believed and was baptized*. From the former we learn, that Artbrananus 'believed the *word of God*,' which he had 'received through an interpreter;' from the latter, that 'a certain plebeian, with all his family, having heard the *word of life* PREACHED by the holy

* Adomnan in *Vita Columbæ*, lib. ii. c. 33. Mr Skene *twice* refers to the passage here indicated, and therefore ought to have known something about it. (See Vol. i. p. 40 and 72.)

'man, through an interpreter, believed and was baptized. The expression of Adomnan, therefore, is *not* 'exactly the same in 'both passages,' but materially different; and the *effect* of this difference will be immediately perceived.

'It will be remarked,' says Mr Skene, 'that Adomnan does 'not say that Columba used an interpreter in conversing with the 'Picts, but merely that he interpreted or explained the word of 'God, that is, *the BIBLE*, which being written in *Latin*, would 'doubtless require to be interpreted to them; and the very distinction which is made by Adomnan, who never uses this expression when Columba addresses the Picts, but *only* when he 'READS the word of God to them, proves *clearly* that they must 'have understood each other *without difficulty*, and that there 'could have been but little difference of language between the 'two nations of Picts and Scots.' (Vol. i. p. 72.) In this passage, there is an accumulation of errors. The distinction which is said to have been made by Adomnan, and the fancy that Columba read and expounded the Latin Bible to the Picts, exist only in Mr Skene's imagination. For even if there were any doubt as to the true meaning of the words, 'Verbo Dei a Sancto 'per interpretem recepto credens,' in the passage first quoted, this doubt would be entirely removed by the second; where we are distinctly informed that the Pictish plebeian, with all his family, having heard *the word of life PREACHED by the Saint*, through an interpreter, believed and was baptized.* Surely '*preaching*' does not mean '*reading*' the word of God out of the Latin Bible and rendering it into Pictish. Besides, there was not at the period referred to a *Latin Bible extant to read from*. The Vulgate was not adopted by the Catholic Church until the beginning of the seventh century;† and as St Columba flourished about the middle of the sixth, he could not read from a version which, as yet, had no existence. Lastly, if, as Mr Skene alleges, this holy man was able to *converse* familiarly with the Picts in their own language, whatever it was, it seems altogether inexplicable that he should have required the aid of an *interpreter*, when he came to expound the word of God, or to preach to them

* The passage in the original runs thus:—'Illo in tempore quo Sanctus Columba in Pictorum Provinciis per aliquot demorabatur dies, quidam cum tota plebeius familia verbum vitæ, per interpretatorem, Sancto PRÆDICANTE viro audiens credidit; credensque baptizatus est, maritus cum marita, liberisque, et familiaribus.

† Hartwell Horne, *Introduction to the Critical Knowledge and Study of the Holy Scriptures*, Vol. ii. part i. c. 2, § 4.

in that tongue.* According to Mr Skene's theory, the dragoon must have been not only a superfluity, but an absurdity.

Such, then, is 'the incontrovertible' proof said to have been furnished by Adomnan, that the Pictish language 'was a dialect of the Gaelic.' On the contrary, we maintain that the statement of the worthy Abbot of Iona proves directly the reverse of this; and that Mr Skene has only been led to form the opinion which he has here expressed, from having misunderstood the true import of the authority upon which he professes to place his main reliance.

His *third* proof, 'that the Picts spoke a Gaelic dialect,' is, he tells us, 'derived from the *topography* of the country.' But although he assures us that this is 'perhaps the strongest of all,'—stronger even, it would seem, than 'the incontrovertible evidence' produced by him from Adomnan,—yet, as we are unable to conceive how a question as to the identity or diversity of two languages can be settled by 'topography,' we shall take leave to let it alone, and referring the reader to Mr Pinkerton's chapter on the Pictish language,† shall conclude this article by

* Dr Smith of Campbelton, with all his prejudices in favour of every thing Celtic, is constrained to admit the fact, which Mr Skene attempts to deny or evade. 'And what appears to have been *the greatest difficulty of all*,' says the Doctor, 'he (Columba) was so little master of the language of that people (the Picts), at least of some among them, or for the first while, as to *need an interpreter when he preached to them the words of salvation.*' (*Life of St Columba*, p. 15, Edinburgh, 1798, 8vo.)

† *Enquiry*, Vol. ii. part iii. chap. 10, p. 339. This chapter deserves the particular attention of those who take an interest in the subject to which it relates. Innes, who labours in vain to prove that the Caledonians or Picts were Celts, has been betrayed into the most extravagant absurdities in speaking of the Pictish language. This is sufficiently evinced by the following passage, the contradictions and absurdities of which must be at once discerned by every intelligent reader. 'It was in all appearance *this analogy or affinity* of the Pictish language with the Irish or Gaelick, *the vulgar tongue* of the generality of the Scots in those days, and with *the British*, which was the language of the *Walenses* or Welsh in Gal-*loway*, and other parts of the west of Scotland, that upon the union of the Pictish and Scottish kingdoms in the ninth age, made the Pictish language to *disappear* before the middle of the twelfth age (*which was Henry of Huntingdon's wonder*), as if it had never been; the Picts, after the union, being by degrees all over the north incorporated into one body of people with the Scots, whose vulgar language, before Malcolm Keanmore's reign, was generally the Gaelick or Irish, left off *more naturally* the use of *their own language* and came to speak that of the Scots, *because of the affinity betwixt the two languages!* The same

producing one more instance of Mr Skene's misrepresentation of his authorities.—' Besides the general name of Gael,' says he, ' the Picts also, as well as the Highlanders, used the name of Albani or Albanaich ; and an instance of this will be found in the descriptions given by the ancient Saxon writers of the Battle of the Standard in the year 1136 [1138], where the *Picts of Galloway*, who were placed *in the front of the army*, are mentioned, in charging the enemy, to have shouted as their war-cry " Albanaich, Albanaich!"' (Vol. i. p. 78.)

It is not worth while to enter here into any discussion respecting the import of the name *Albani* or *Albanaich*, as employed by the writers of the eleventh, twelfth, and thirteenth centuries ; but to show the incorrectness of our author, we shall produce the authority he refers to in the passage just quoted, and which he misinterprets. In 1190, Roger Hoveden, describing the war of the Standard in 1138, that is, fifty-two years before the time at which he wrote, says,—' Exclamavitque simul exercitus Scottorum insigne patrium ; et ascendit clamor usque in cœlum, Albani, Albani.' So that it was *not* ' the Picts of Galloway,' whom Mr Skene has placed ' *in front of the army*,' but the *whole army* of the Scots, which together (*simul*) raised their ancient war-cry, ' Albanaich, Albanaich!' and rent the welkin with their shouts. This is but a small matter, we admit, and, if it stood alone, would not call for any particular animadversion. But in a professed historical critic and antiquary, who undertakes to pull down old systems, and to build up one ' entirely new' out of their ruins, such blunders are inexcusable ; and when taken in connexion with the more serious mistakes which we have pointed out, they certainly betray a want of that accurate research, which is indispensably requisite in all historical investigations.

We have now done, and in casting a retrospective glance over what we have written, it gives us much pain to think that we have found almost no occasion on which, though very desirous to do so, we could conscientiously applaud the labours of Mr Skene in endeavouring to overthrow the opinions of his predecessors. His style, too, is extremely incorrect and inelegant. It

' thing happened in Galloway and the western parts, where many of the Picts were mixed with the *Wafenses*, or remains of the Midland Britons, even before the union with the Scots, and where they made a greater figure after it by the name of the *Gallowegians*.' (*Critical Essay*, Vol. i. p. 79. London, 1719, in 4to.) An author who detects an ' *analogy* or ' *affinity*' between the Gaelic and the Saxon, has few discoveries to make that are likely to excite the ' wonder' of any one,

literally teems with grammatical errors and miscollocations ; and is as deficient in ease and in freedom, as it is in accuracy. Another circumstance, which we cannot avoid noticing, is, that Mr Skene has appropriated much of the learning of his predecessors, particularly Innes and Pinkerton, without making those acknowledgments which were fairly and justly due to them. Mr Pinkerton, for instance, although in some respects deeply prejudiced, and, in others, perverse and wrong-headed, was a man of abilities and undoubted learning. No man at all conversant with the historical antiquities of his country can be ignorant either of the nature and extent of his researches, or of the ability and ingenuity with which they were conducted. It is very easy to apply a disparaging epithet. To render justice to merit requires judgment and discrimination, united with a due respect for the principle, *Suum cuique tribuito*. Our observations, however, apply almost exclusively to that part of Mr Skene's work which is purely theoretical. With regard to his 'History of the Clans,' though grounded on a general principle, which we conceive to be erroneous, it is a production of very considerable merit ; and many of the details embodied in it have been collected from sources which are by no means generally accessible, and which have not before been explored, with reference to Highland genealogies, or family history.

ART. VII.—*National Education ; the Question of Questions.*

By HENRY DUNN, Secretary to the British and Foreign School Society. 8vo. London : 1837.

SINCE we last discussed the Education Bill, that important measure has been again introduced into Parliament ; and although the Bill remains as it originally stood in all its fundamental principles, the only change being in the additions which have been made, yet these additions are of a nature to demand some notice. The present article must, therefore, be regarded as a short supplement to the former.

The whole provisions relating to Charitable Endowments are taken out of the bill and made the subject of a separate measure. In these no change whatever has been made. The residue of the former bill, relating to Education alone, forms the

subject of the new Education Bill. But as the important provisions giving the power to municipal corporations to establish, and maintain, and extend, and improve schools and seminaries within their limits, by means of a rate locally imposed, have, in the present bill, been extended to places beyond the bounds of municipal corporations, to which these provisions were before confined, it becomes necessary to explain how this is effected.

The reason why those provisions were confined to municipal corporations was, that no bodies existed to whom the powers conferred upon the Town-Councils could be intrusted. There were manifest objections to bestowing these powers upon the Justices, because they are not a representative body, and the powers were those of taxation. The constitution of Vestries was also ill-adapted to the purpose. Grand juries were liable to objections of a different kind, but, if possible, more insurmountable. The friends of the bill, therefore, on its introduction in February 1837, stated that they expected a measure recently announced in the Commons, for establishing County-Councils to manage the local taxation, and to be elected by the rate-payers, might pass that branch of the legislature; and that it would afford an easy and convenient means of extending the provisions of the Education Bill from municipal corporations to the rest of the country. The County-Council Bill was thrown out in the Commons by so great a majority as left little or no prospect of its being carried; and it therefore became necessary to add provisions to the Education Bill, with a view to supply the machinery required.

In this state of things it was strongly contended by many well-wishers of the measure, that the Board of Guardians under the new Poor Law afforded the kind of body so much wanted. But besides that these Boards do not exist in every part of the country—above one-fourth of it, and including the manufacturing districts, where schools are much wanted, being without such Boards—the controversies to which the new Poor Law has given rise, and with which unhappily many parts of the country are still heated, ought by all means to be kept as far removed as possible from the system of education; which, to succeed at all, requires that popular feeling should be conciliated in its favour;—not to mention the injurious tendency of any connexion between the schools to be established or supported by the new measure, and arrangements of an eleemosynary kind.

It is, therefore, abundantly clear, that there was a necessity for providing some local body which might stand in the same relation towards the Central Board on the one hand, and towards

the inhabitants of the district on the other, as the Town-Council does within the bounds of a municipal corporation. The fundamental principle of the measure was to give the representatives chosen by the people in each corporate town, the power to plan and extend schools, with the consent, and subject to the review of the department of public instruction; and for this purpose to levy school-rates upon the town. The concurrence of the Central Board being required to any such plan of a school, and to any such rate, precludes the abuse of the majority in the local body over the minority, and prevents jobbing for party and personal purposes. The concurrence of the Local Body being required, precludes the interference of the Government with either the course of the education, or the choice of teachers, or the rules and the management of schools; while it also prevents the mistakes which might be committed from ignorance of local circumstances, and secures the adaptation of each seminary to the habits, the wants, and the resources of the place in which it is established. If the two authorities, the Central and the Local, cannot agree, there will be no school established at the public expense. Matters will in that district be left to the voluntary efforts of individuals, until the requisite agreement between the Board and the Local authority can be attained. Now this being the main principle of the measure, the question was, how a body should be formed in places beyond the bounds of corporate towns, capable of acting in respect of education, as the Council are to act in these towns? The new clauses of the bill thus provides for this want.

In each parish not being in a corporate town, a *School Committee* is to be chosen, if the majority of the inhabitants having a right to vote, at a *school meeting* called for the purpose, by any six inhabitants, shall think fit. The school committee is to consist of five; and for the purpose of at once maintaining a due control of the inhabitants, and of guarding against sudden changes in the system of education, one of them is to go out each year; but that one to be re-eligible. The Committee is to stand in the same relation to the Central Board, or Department of Public Instruction, as the Council does in the corporate town. It is to propose the plan of such schools as it may deem wanted in the parish, and to settle with the Board the rules for their government. It is then, if the Board authorizes a rate, to levy, apply, and account for that rate. In case two or more small parishes are close together, each of which may be unable to support a school, these may be united together and form a *school union*. Rules are laid down for levying the rates, and for distributing them, and accounting and auditing. There are also rules prescribed for keep-

ing the minutes of the Committee; and for obliging the members to give in writing the reasons of their opinions on the questions decided by them—an excellent method of securing due attention in their deliberations—of maintaining the responsibility of the members, and of conveying full information of all particulars to the Central Board.

The construction of the School Committee is now to be explained; and this embraces two points,—the qualification of its members, and the qualification of the voters. As the power of taxing is, subject to the approval of the Central Board, vested in the School Committee, its members are required to be themselves rate-payers. But the right of voting for the members of the Committee is more extended; and this forms, perhaps, the most important part of the new clauses. An *education-qualification*, or *knowledge-qualification*, is introduced, and it is thus contrived:—

The Central Board is authorized to enroll all Mechanics' Institutes, Literary Associations, Societies for Education—in short, all bodies, whether corporate or not, which are now, or may hereafter be formed for the purpose of literary or scientific enquiry or instruction—for extending, acquiring, and diffusing information in science, art, or letters. It is provided that the names of all ordinary attending members of these associations should be enrolled; and each member who has been such for a year, or before enrollment, is to receive a one-year's certificate; and each member who has been such for three years at any time, is to receive a three-years' certificate. The former, with a year's residence, is to give a right of attending and voting at all school meetings held within a given time after enrollment; the latter, with the like residence, is to give a perpetual right of attending and voting. But, besides the enrolled members of such institutions, the education franchise is given to all who have attended a given time at Inns of Court and of Chancery, at the established Colleges, and finally, and most materially, to all who have certificates of having attended duly, after reaching a given age, for so many years at any school enrolled under this act—that is, any school subject to the visitation of the Central Board, and whose rules and regulations have been approved of by the Board. Such certificates, with a year's residence within the parish, or School Union, is to confer the right of attending and voting at all school meetings for that parish or union. All rate-payers, and all owners of rated property, are also qualified.

This qualification is framed upon the assumption, that the persons so selected from the rest of the community are of respectable station, either in regard to property or by their education and

habits; or that they are entitled to vote because their property is liable to be rated for school purposes. The suffrage thus given is certainly very far from unusual—for this qualification excludes persons of no information, and persons of dissolute and idle lives. It may happen that a man after being well educated should fall into bad habits and lose much of what he had learned. It may happen that a mechanic, once respectable, and who had for three years taken pains to instruct himself at an institution, should become dissipated and reckless, and cease to take an interest in mental improvement; but the like may too often be truly said of rate-payers or of ten-pound householders; and, in the great majority of instances, the fact of having once had a thirst for knowledge, and taken pains to acquire it, affords a good security that the individual is of respectable habits, and is qualified to exercise the right in question.

Let it be calmly asked, apart from all question of Parliamentary reform,—with which we do not wish to mix up the present measure,—if any thing can be conceived more reasonable than that the choice of a body for managing the education affairs of a district should be vested in the well-educated portion of its inhabitants? Is any one silly enough to refuse his assent to this undeniable truth, for fear of the same franchise being afterwards extended, and made to regulate political elections? We see no kind of harm that could arise from its being so extended as to secure a sound and safe and rational constituency to every Town Council, to every parish vestry, to every Parliamentary representative. Instead of universal suffrage, with all the many mischiefs that are so justly apprehended from it, this is in every important respect the very reverse: above all, it excludes men of no respectability, of dissolute lives, of grovelling tastes, and men devoid of information;—it secures us against the evils which arise from committing an important trust to the hands of men unfit to exercise it;—men incapable from ignorance of forming a sound opinion, or prone from profligacy to be the tools of others. But although we see great good, and no risk, in such an extension of the principle, it is now only proposed to introduce it into the elections of school committees; and surely there, of all places, it is peculiarly appropriate.

The only other material addition now made to the Education Bill, regards the great subject of Religious instruction. It is plainly impossible in schools to which all must contribute without religious distinction, that any rules of a nature calculated to exclude one sect, or give any description of believers a preference over the rest, could be permitted. There is no possibility, therefore, of enforcing religious instruction according to any one par-

ticular doctrine rather than another. But the Bill most properly requires that the Bible shall be one of the books read in all schools to be aided and sanctioned by the Board. If any local body chooses to refuse complying with this condition, then there can be no school under the act in that district; and all must be left to the exertions of individuals as at present. But wherever the public assistance in any way is to be given, the Bible is to be one among the books read in the school. In case, however, objections should be made by Catholic or by Jewish parents to their children reading in the Scriptures as one of the school-books, it is expressly provided, that no child of such parents shall be obliged to be present at the Bible lessons unless the parents desire it. Every one, we think, must admit that this arrangement secures, on the one hand, a due respect to the Scriptures in all national seminaries; and prevents, on the other, the possibility of any hardship to the Catholic or the Jew, whose conscientious scruples make them averse from the use of the Bible as a school-book.

The propriety has been mooted of having any one kind of local machinery; that is, of having school committees in corporate towns as well as in other places. Why, it is said, should the school concerns, where there is a municipal corporation, be intrusted to the town-council chosen by householders alone, and not to school committees chosen according to the knowledge-qualification? The answer is, *first*, that there is a manifest convenience in having only one body to manage all the local concerns of a town; and that there would be inconvenience in having a council acting in all other affairs except education, and a committee, differently chosen, acting in matters of education alone. But, *secondly*, if it should afterwards be deemed expedient to make the system general, there will be no difficulty in extending it from the other districts, to those under the management of the municipal authorities.

It is necessary to add one or two remarks in order to remove objections which have been raised by persons not attentively reading the Bill: indeed, a perusal of the full abstract which accompanies it would have sufficed to prevent all such misapprehensions. Of course, we now allude to the difficulties made by the friends of the measure only; because with the enemies of education it would be vain to engage in any conflict.

It has been said that the powers and functions of the Central Board are not sufficiently defined; and that therefore the course of their proceeding cannot be distinctly known, nor the limits of their authority be discerned. Now nothing can be more erroneous than this; but it is an error which arises from not steadily keep-

ing in view the main principle of the whole measure—to wit—the leaving all details as much as possible in the hands of the people in each district, or their representatives for local purposes, and only interfering to prevent abuses. The power of the Central Board is most absolute in one direction; it can negative the establishment of any school at the public expense, by refusing either a share in the Parliamentary grants, or a power to levy a school-rate. This it may do, either because the wants of the district do not require a new school; or because there are funds enough by voluntary contribution already; or because, although a school is wanted, the plan proposed for it is pernicious or injudicious,—founded either on erroneous principles, or on intolerant and oppressive views. Nothing can be more clear and definite than this power, or rather this control. But on the other hand, the Central Board has no power at all of forcing any school, or any plan or regulation respecting any school, upon any district. It can only say to the local authorities—“Upon your plan, you ‘shall have no aid from the public purse or from local rate; but ‘if you choose to give up such and such an erroneous principle, ‘or to adopt such and such a sound one—then we will give you ‘a share of the grant, or authorize a rate for your school.’ If the two parties cannot agree, nothing prevents the foundation of the school at the expense of individuals on the erroneous principles; because it is the rule which runs through the whole measure, that the State has no right to prevent men from employing their own funds in their own way for purposes of education, and that the State must never interfere in the work of instruction, except to help, to advise, and to co-operate. The power of inspecting and examining all schools aided or founded under the authority of the Board, is also given to the Board; but this is still on the voluntary principles; because no schools can ever come under that authority unless the people or their representatives for local purposes have themselves desired it; and where there is the public aid asked and given, there must be the public superintendence exercised.

So much for the powers of the Central Board, representing the State. But their functions are in truth as well defined: the only matters left unspecified being those which are purposely intrusted to discretion, and, varying in each place, can never be made the subject of positive enactment. Again, the fundamental principle must be kept always in view—namely, that the *joint* will, or discretion of the local and the central authorities, is in all details to be the guide. The Board, indeed, having the distribution of the public grants, is in one matter, which is of an unusual kind, and connects itself with no local circumstances, to decide without any

concurrence of the local authorities,—to wit, in establishing Training or Normal Schools for teaching Masters. We will not affirm that even in this most important matter, some local check of a mutual kind might not have been desired ;—as by forming a Council of education for the whole of a large division of the country, and requiring the assent of that Council, chosen by the Town Councils and School Committees, before the Central Board could establish a Training or Normal School within the division. This we have reason to know was at one time in the contemplation of the authors of the measure ; and it had the recommendation of giving symmetry and uniformity to the plan, by making the fundamental principles of mutual control or joint assent universally prevail throughout the system. But we think it has wisely been abandoned, because there is nothing at all local in the establishment of a school for training Teachers ; these may be educated any where ; and the schools of one division of the country may obtain Masters qualified in another division. But with this exception, all the functions of the Board are to be exercised in concurrence with the local authorities.

Now, can any thing be more easily apprehended than the work which the Board will have to do ? By its inspectors, and by whatever other means information can best be obtained, it will be acquainted with the state of all schools, either publicly supported, or which voluntarily choose to submit to examination. Its advice and suggestions as to their conduct and improvement will be given. Accomplished masters will, under its superintendence, be formed at the training seminaries. These will be ready to supply the want of good teachers, wherever the patrons and other managers of schools require them. It is indeed sometimes said, that the Bill is silent as to the choice of masters. No doubt it is ; and purposely for the most obvious reasons. The Bill does not profess to take the management of schools, or the work of education, out of the people's hands ; but only to help the people, or rather to enable the people to help themselves in this great and good work. Who ever dreamt of giving the government, in whatever hands it may be, the appointment of all the fifty or sixty thousand schoolmasters all over the country ? If any one ever harboured such a thought, assuredly it was not the authors of this Bill. According to the variety of local circumstances, a schoolmaster will be chosen one way in one place, and another way in another ; and although ultimately there will, in all likelihood, be some plan very generally adopted for choosing and dismissing masters, no such rule could be laid down in a system, the very essence of which is to influence as little as possible by authority, to force nothing at all, and to leave as much as possible in

the people's hands. In like manner, though the best training seminaries will be established, and the most accomplished teachers formed in sufficient numbers, no provision is made for removing the worst teachers and supplanting them by these. Why? Because entire confidence is reposed in the patrons of schools, that when the best teachers are to be had they will be preferred. And thence, moreover, an evident check arises upon the management of Training Schools, for the masters furnished by them will be selected by different schools, if they are well educated, and not otherwise.

Again, the functions of the Board in granting or refusing public aid, or the power to levy local rates for school purposes, are as well defined as they ought to be, or indeed can be, without an oppressive and vexatious meddling, wholly repugnant to the whole policy of the measure. What can be required more precise, for example, than the provision that if the Board is not satisfied a school is wanted in a given district, it may refuse its authority to levy a rate? Would they who call for more specification have had the bill state a proportion of schools to population? But then extent is also to be regarded. Would they have had some corresponding ratio of numbers and extent specified? But then the funds also in the district, and, above all, the means arising from voluntary contributions, are to be considered. Again, the schools in the neighbouring districts and their distances, must also be taken into the account. In short, any specification is manifestly impossible, and would cramp and wholly prevent the working of the measure. Again, the Board may refuse its sanction to a proposed school, not because the district is sufficiently supplied, but because the rules submitted for approval are injudicious and intolerant. Could any maxims be prescribed in an act of Parliament, for a Code of School Laws? Clearly not, because one law may suit a school in one place, and yet be wholly inapplicable to a school in a different district. Nay, one law may suit a school for one class of persons, and be wholly unsuitable to another kind of school in the same street of the same town. So there is no course laid down for teaching either masters or scholars; but the things to be taught in the Training Schools are left to the Board; and the things to be taught in the ordinary schools are left to the joint discretion of the Board and the local authorities. And why? Because it is not possible in an act of Parliament to specify what shall be taught in every one school. Some require reading and writing alone—others add ciphering to these elementary wants—others, all it is to be hoped—ultimately add geography, history, and physical knowledge: but some, as infant schools, may require reading alone—nay, some may require not even reading, as schools for the youngest infants. If, then,

an act of Parliament were to specify what should be taught, it would either contain the most absurd and impracticable of all provisions, or to make it tolerable, it must have a saving clause that would render the whole nugatory and inoperative—to wit, ‘if the Board and the local authority shall think fit.’ So that under pretext of specifying, it would specify nothing at all, but only give rise to constant cavils among the parties, and to endless litigation upon the question of *imperative* and *directing*, so well known among lawyers.

The same remark applies to all differences that may arise between the Central and Local authorities upon the other parts of the rules proposed for any school, or those existing in any school for which the aid of the Board is required. If the bill laid down general rules, these could not be applied in each case; and as even the best devised general principles must require modification in order to their being adapted to local circumstances, it is plain that no inflexible canon could be prescribed by the statute. Some clause must be added which would leave a discretion in the Board, and the Local Body; and that clause would leave the functions of the two bodies precisely where they now are, besides laying the foundation of endless perplexity and dispute.

It must further be observed, that the flexibility given to the provisions of the bill enable them to be moulded according to the improvements continually making in practical education, as in all other branches of policy. To take an instance—some years ago the best friends of education thought the Monitorial System more adapted to instruction than it is now allowed to be by pretty general consent. Educators would at that time have formed their rules for the number of scholars who could be well taught by a single master, upon a very different principle from that which they would now maintain and act upon; and so of the things to be taught; and still more of the best method of teaching them. These matters are not properly the subject of legislation; they must be left to the discretion of the parties concerned.

The function mainly intrusted to the Central Board being steadily kept in view, at once precludes the possibility of doubting how far its authority extends; how its proceedings are to be conducted; and how education is to be regulated, or rather helped by it. That function is to direct the application of public support towards schools, and to enable local bodies to obtain that support upon proper terms; but to leave the education of the people, though helped and improved, yet uncontrolled where the people prefer following their own course.

We have been only now dealing with the remarks and difficulties of those who have considered the measure with some atten-

tion, though not sufficiently examined it. The more careless reasoners upon it can only be referred to the bill, and the abstract, for removing the doubts which their very slight perusal of it has created. Thus it is supposed by a few individuals who have published their observations, that the Board are empowered to establish schools and lay down rules as they please. This mistake arises from inattention to the nature of a legislative provision. The powers are given in general terms, but their exercise is specifically defined. The Board has no power whatever to found any school except the training schools; or to lay down any rules or regulations for conducting any school: the managers of the school—be they private contributors, or masters, or town-councils, or school-committees—must assent to every particular before any school can be either established or controlled, or in any way affected by the Board or by the bill. Even as to training schools, which are wholly to be supported by the Parliamentary grants, the House of Commons has the control over the Board, because the funds are annually voted.

The like remark, as to inattentive perusal, may be made upon the observations which we have lately seen made by some professing a very friendly disposition to the measure, but apparently not much inclined to approve the quarter from which it proceeds. The provisions, say they, are likely to please neither party, going too far for one, and not far enough for the other. But a very cursory perusal of the bill must show, that short of a compulsory system, which almost all Educators seem to be against, the measure is quite as universal as it could be made; and must of necessity give the country a general system of education, unless the people should all of a sudden become averse to having their children taught. And it is equally manifest, that no measure of any kind would suit the views of those who either hate the Government, and are against all education, or who willingly agree to have as much doled out, and of such a quality, as one class in the community chooses. To conclude, as the reasoners in question do, that every plan which can be devised would be objected to by all parties, is only to affirm that nothing can be done by the State for education. But it is also to mistake the fact; and, at all events, it is to begin by assuming that we are defeated, instead of waiting for the result of the conflict. If such be the only support for which the cause of education can hope from its friends, it may well be asked how much less it could have to dread from its enemies. Let us, however, be comforted with the reflection, that the support given to this measure by the present Government may mitigate somewhat of these *amicable propensities*.

ART. VIII.—*Speech of the Earl of Mulgrave on the State of Ireland, in the House of Lords, Monday, 27th of November, 1837.* 8vo: London.

THAT the Tories understand how materially their chances of regaining power would be damaged were the people of England once possessed with the belief that the experiment, now in course of trial, of governing Ireland upon liberal principles, has thus far been successful, is evident from the untiring energy with which they labour, as well in Parliament as out of it, to produce the opposite impression. The Tories themselves, therefore, teach us the importance of placing the results of the present system of administering Irish affairs clearly and repeatedly before the public; and the advantage which the general interests of the empire must derive from the wide diffusion of such information.

There cannot, then, be too much discussion upon every question connected with Ireland; but Parliamentary discussion is, of course, the most desirable, from the superior attention which proceedings in Parliament command, and the opportunities there afforded to the members of the Government to defend their measures; not to speak of the general advantages which, in all oral discussion, accrue to the side of justice, from the prompt exposure which calumny meets with, and the summary punishment inflicted upon absurdity or falsehood. The Tories should, in prudence, reserve their attacks on the Irish administration exclusively for their Journals; for a newspaper fiction, however ludicrous or monstrous, has always a day to live, and is sure, in some quarter or another, to find an open ear. In debate it is another thing; for there, the moment an untruth is hazarded, truth starts up and grapples with it; a preposterous statement is scarcely made, when ridicule pounces upon it, and makes it the public sport. Assertion will not suffice; charges require to be specific, which is often found inconvenient; this species of conflict invariably terminates in the discomfiture and disgrace of the party opposed to truth; and, worse than even the defeat is the quantity of good ammunition wasted; for a falsehood once knocked on the head on the floor of Parliament, requires considerable rest and nursing before it is again fit for duty.

The late debate in the House of Lords, provoked by the motion of the Earl of Roden, strikingly illustrates the gross error in Tory tactics to which we allude. That debate has scattered an army of falsehoods, which but for so untoward an event,

might long have passed muster at Tory banquets and in Tory Journals, and has thrown a flood of 'new light' upon the state of Ireland. We are indebted to it for the statesmanlike production now before us; we are indebted to it also, as having been the means of eliciting the testimonies of such men as the Duke of Wellington and the Earl of Donoughmore to the vigour and efficiency with which the law has been administered by the present Irish Government. When it is recollected that the heaviest charge against this Government has been the impunity, nay, encouragement, which it has been alleged to extend to crime, the importance of these admissions, and the prudence of the step which called them forth, may be estimated.

Were we to regard the speech before us as a mere reply to that delivered by Lord Roden, we should not only underrate its value, but misapprehend its object. The truth is, that the speech of Lord Roden called for no reply whatsoever. The details of three or four atrocities, none of them half so good a subject for a melodrama as many which, in the same space of time, were perpetrated in England,—a piece of tea-table chat about an importation of arms from Liverpool, with a pleasant story of a Ribbon conspiracy, filched from an evening newspaper, but shorn of all the merit of the original conception—such were the portentous disclosures which were to blast the character of the Irish administration! Well might Lord Mulgrave demand, when he contrasted the puny whineto of his opponents in Parliament with the furious roar with which his Government had been assailed out of doors—'Supposing I made no reply at all, and left any thing out that can be extracted from his (Lord Roden's) speech to be compared with what has been written and said behind my back, need I fear the impression upon the country?'

Lord Mulgrave, however, wisely availed himself of the opportunity afforded him to submit to the country this luminous exposition of the tenor of his government—the grounds upon which it appeals to the confidence and affections of the people—and the complete success with which that appeal has been answered. To demonstrate that success, it is enough to exhibit a progressive amelioration. This is all for which the Government takes credit; and in their exertions to effect this amelioration it will be seen that the noble Earl bears cordial testimony to the zeal with which the people have seconded his exertions.

'It is sufficient for us that we see every reason to believe that the improvement is upon the whole progressive. We do not pretend, my Lords, to any magic charm, we make use of no animal magnetism to draw the hearts of a willing and peaceful people to their Sovereign and her Government; we depend, my Lords, entirely upon the natural result

of cause and effect ; we endeavour to induce a reciprocal feeling of confidence between the governors and the governed ; and our influence is founded on the reliance of the people on the administration of justice, and on the feeling which pervades all the nation that the English will unite in procuring for Ireland that justice which she has not formerly experienced.'

We shall proceed to avail ourselves of the full information which this speech affords ; and, with the help of the materials thus placed in our hands, present a picture of the condition of Ireland, which at length may be contemplated by the philanthropist and the patriot with strong feelings of satisfaction.

Notwithstanding, then, the cry that has dinned our ears, of the anarchy that prevails in Ireland,—of the omnipotence and impunity of crime,—of the total prostration of the law,—we fear not to try the condition of that country in all these respects, by the severest test to which any country can by possibility be submitted. We shall at once compare it with the state of England—that favoured land, where habits of obedience to the law are the result and growth of ages of popular government. Is this a fair test, or is it not ?

Ireland, containing a population plunged in destitution—one-fifth of whom subsist upon those alms that charity, well-nigh exhausted, can afford—where the law has been regarded as the instrument of a faction, and not the safeguard of the people. It is such a country, and such a people, urged on to turbulence and crime by all the incentives of poverty acting upon ignorance, that we proceed to compare with a country flowing with plenty, with a people taught by long experience to look up to the law as their benefactor and protector.*

Let us compare the amount of crime in Ireland, in 1836, with that in England during the same year. It was the second year of Lord Mulgrave's administration, and was marked throughout

* In our last Number a comparison was instituted between the committals and convictions for crime in England and Ireland during the year 1836, which, without some explanation, might lead to an erroneous conclusion as to the state of crime in the two countries. The amount of convictions in Ireland (including all convictions whatsoever, whether had at the assizes, quarter sessions, or summary convictions) was compared with a list of convictions for England, which contained *only* those which had taken place at the assizes and quarter sessions, and not the summary convictions. Now, when it is remembered that these latter, in the year alluded to, 1836, amounted to 53,270, it is apparent how fallacious any comparison between the two countries, from the mere convictions at the assizes and quarter sessions, must be.

by a course of exasperating litigation, to which the clergy of the Established Church (thanks to the rejection of the tithe-bill of 1834 by the House of Lords!) were led to resort, to levy their present unpopular income.

We shall exhibit *first*, the relative amounts of the convictions at the assizes and quarter sessions in both countries, and we find that they appear as follows :—

Convictions at the assizes and quarter sessions in Ireland for the year 1836, returned by the clerks of the Crown and peace,	10,581
Convictions at the assizes and quarter sessions in England and Wales, for the year 1836,	14,771

Now, when it is remembered that the population of Ireland is to that of England in the proportion of 8 to 14, we perceive an advantage on the side of the latter country. We see one criminal in every 800 in Ireland; in England but one in every 1000; yet this inferiority on the part of Ireland is assuredly not so marked as to justify us in appealing with pride to the tranquillity and orderly habits of the English people, and at the same time to designate Ireland as a country abandoned to lawlessness and crime. But let us extend our views—let us look to another and no less important feature in the state of the two countries. Let us see how a comparison of the summary convictions, had in the same year to which we have alluded, will bear out those whose constant cry it is, that nothing short of Lord Mulgrave's instant recall, and the application of the old Tory remedies—an Arms bill and the bayonet, can hold society in Ireland together.

Summary convictions in Ireland in 1836,	8,000
Summary convictions in England and Wales in 1836,*	53,270

Now add the convictions exhibited by these two tables for the two countries severally, and we have then before us the relative amounts of all the convictions for crime of every description whatsoever, from murder down to the pettiest theft, or the most trifling misdemeanour.

Total amount of convictions of all kinds in Ireland for 1836,	18,581
Total amount of convictions of all kinds in England and Wales for 1836,	68,041

That is, one criminal in England for every 212 persons; in Ire-

* Taken from the Second Report of the Inspectors of Prisons—Appendix.

land one criminal for every 450. Now the man who can read this appalling statement, and not tremble every inch of him at the frightful state of Ireland as compared with England, must have nerves of iron and a heart of stone. Far be it from us, however, to conclude from the foregoing tables (however a transitory glance might entitle us to do so), that demoralized habits are not more prevalent in Ireland than in England. We are aware that some of the very circumstances that swell the convictions in England bespeak the superior habits of the people. There is in England a prompt appeal to the legal tribunals, a confidence in a magistracy popular as compared with that in Ireland, and a general facility of obtaining magisterial interference;—these are features universally conspicuous in England, which but lately have begun to appear in the aspect of society in Ireland. Moreover, there are laws in force in England and Wales under which many of these convictions have been had,—such as game laws, bastardy laws, and vagrant acts,—that do not apply to the other country: nevertheless, making allowance for all this, we conceive that man wholly unworthy of a seat in a legislative assembly who, duly considering the comparative statements of crime we have exhibited, can summon up hardihood enough to declare, with a pious Viscount, that ‘Ireland is in a worse state ‘at present than in 1798.’

Let us now see whether in those violent and sanguinary crimes, for which Ireland has hitherto obtained an infamous notoriety, we find any foundation for those tales of horror which have made the flesh of ancient dowagers creep, and opened their purse-strings to the call of Mr Spottiswoode. It is in respect to this class of crime that Ireland, as compared with England, has exhibited a demoralization so melancholy. It is here that the ferocious dispositions, engendered by governments whose engines of redress and instruments of amelioration were the cat-o-nine-tails and the bayonet, show themselves. It is here that the effects of a wise, humane, and popular government must be looked for. Crimes of a less heinous nature, such as larcenies and the like, will prevail under all governments, while men are men, and are often as much a symptom of national prosperity as of popular depravity. What find we then under this head? that insubordination has increased? that the popular dispositions are waxing more ferocious? that 1798 was a golden age compared with the present period? Let the following table answer.

‘Table of offences reported by the constabulary during the first nine months of the years from 1832 to 1837 inclusive. The offences enumerated in these returns are homicide, firing at the person, cutting and maiming, assaults, abductions, rapes and attempts to ravish, levelling, burglary, burning, attacks on houses, demands or robberies of arms,

oaths unlawfully administered, illegal notices, or meetings, riots, faction-fights, rescues and resistance to legal process.

1832	.	.	.	7,460
1833	.	.	.	6,547
1834	.	.	.	6,016
1835	.	.	.	6,645
1836	.	.	.	5,384
1837	.	.	.	3,748

[The period of nine months is adopted—the constabulary returns for 1837 not being yet made up for the last three months of 1837.]

Look to the year 1835, of which the commencement was signalized by the sway of Lord Haddington, and see what three months of a Tory administration can effect in checking the course of improvement. In the first nine months of 1835, crimes only amount to 6645, while in the corresponding period of 1837, after Lord Mulgrave has been for two years winking at the commission of every atrocity, they sink to little more than half the number. Never was there a failure more complete than that of Ireland's present viceroy! The sole end of his administration has been to encourage turbulence and promote disaffection! Deaf to the cries of suffering loyalists, his ears are open only to the felon; he connives—nay, it is whispered, presides at the orgies of Ribbon-men—and yet no bloody harvest crowns and repays his toil, but habits of tranquillity and order spring up all around him.

We will, however, make another effort to vindicate the veracity of the Rodens and the Lortons, and preserve them from the blight of ridicule. We will examine the mode in which the law has been executed in Ireland; and here, no doubt, according to the testimony of these good men, a sad and boundless anarchy will present itself.

The conviction of a criminal (save where he is a Protestant) is an event, no doubt, of as rare occurrence as a comet's apparition. We have shown by the last table, the marvellous diminution since 1832 of those aggravated offences that betoken insubordinate habits. See how, in the interval, the law has been suffered to slumber! We subjoin a list of all the committals and convictions which have taken place in Ireland from 1832, to 1836:—

Years.	Committals.	Convictions.
1832	16,056	9,759
1833	17,819	11,444
1834	21,381	14,253
1835	21,305	15,216
1836	23,891	18,110

Thus then it appears, from viewing together this and the preceding table, that while crimes of the worst description diminish to one half of their amount, the committals for *all* offences increase by something less than one-half, and the number of convictions doubles. This progressive growth of convictions upon committals, rising from the proportion of one-half to that of 18 to 23, whilst it entirely negatives the existence of any system of intimidation, acting either upon witnesses or jurors, testifies also to the admirable working of the various measures taken by the Government to improve the whole machinery of public justice. Let us, however, look to offences of the most heinous nature, and see whether even in those cases, intimidation on the part of the people, or supineness on the part of the government, have prevented the execution of the law. We cannot do better than avail ourselves of Lord Mulgrave's words—

‘ If I can prove that the number of committals bears a greater proportion to the number of outrages committed, and that the number of convictions bears a greater proportion to the number of committals, at this time, than in any former period, the Noble Duke will, I am confident, admit that it is a highly beneficial result. The first thing to which I shall call the attention of your Lordships is a summary of the returns furnished by the Inspectors of Prisons from 1832 to 1836, and including the first nine months of 1837, which, in fact, corresponds, as far as the more serious offences tried at the assizes are concerned, with the returns of the former years, inasmuch as the offences committed in the last three months of every year, or rather after the summer assizes, are included in the returns of the succeeding year. Without troubling your Lordships with minor offences, I shall confine myself to the crimes of

Murder,
Manslaughter,
Shooting,
Stabbing,
Administering Poison,
Administering, with intent to Murder,
Conspiracy to Murder.

‘ These offences are all tried at the assizes.

	Committals.		Convictions.
‘ In 1832 there were	772	and	203
1833 .	820	.	303
1834 .	520	.	315
1835 .	922	.	409
1836 .	843	.	425
From Jan. to Dec. 1837 .	547	.	229

‘ In the course of five years, according to this statement, the committals had on the whole increased; in 1835 and 1836 there was a decided

increase, and this is the first year since I have been in Ireland in which they have diminished.

'This I consider establishes the fact which I wish to impress on your Lordships. I conceive that, according to the greater efficiency with which the law is administered, the greater will be the number of offenders arrested, tried, and convicted, in proportion to the offences committed. One of the ingredients given by the Noble Earl, as a proof of the increase of crime, was the increased number of proclamations in the Gazette; but he evidently cannot derive any advantage in argument from the increased numbers of proclamations in the Gazette, when it is proved by the returns that the number of outrages is diminished.'

Assuredly unblushing assertion never went so far, as when the proclamations in the Gazette were appealed to, as they have been, day after day, by the Tory faction, to demonstrate the increase of crime, when, in the same breath, they assailed the Irish Government for supineness in suppressing it!

Such, then, is the condition of Ireland, as regards the moral habits of its people. We compare it with England in the amount of all convictions whatsoever, for every class, and description of crime, and we find in England one conviction for every 212; in Ireland one conviction for every 1000 persons. We compare its present condition with that which it exhibited two years since, and we find, in that short span of time, a diminution of one half, in those offences that have hitherto disfigured the character of her people, and borne a fearful likeness to those long oppressions, of which they are the genuine and undoubted offspring; while, step by step, with this decrease of crime committed,—demonstrating as it does the improving habits of the people,—is found the vast increase of that, which manifests the vigilance of the law, and the absence of all intimidation—the number of convictions. With good reason did the Duke of Wellington, with that fairness and straightforwardness which blend so gracefully and nobly with his great qualities, declare, that under no former viceroy has the law been administered with the same efficiency as under the present chief governor. To one more feature we must point, and then we leave the public to settle the amount of credit that should hereafter be attached to the statements of Conservative orators, whenever it shall please them to descant upon the giant crimes that stalk unpunished through Ireland. In but one district (a barony in Tipperary, the old inheritance of crime) have the magistrates,—albeit not slow to proclaim the growth of turbulence, or demand measures of rigour and coercion,—called for stronger measures than the ordinary powers of the law. And in this very district, tranquillity, if not already restored, is fast returning, without the aid of any measures unknown to the constitution.

It is now thirty-seven years since the following tribute was

paid by the great champion of the oppressed in all corners of the earth, to the character of the Irish people. 'I love the Irish nation,' said Mr Fox. 'I know a good deal of that people. I know much of Ireland from having seen it; I know more from private friendship with individuals. The Irish may have their faults, like others. They may have a quick feeling of injury, and not be very patient under it; but I do affirm, that, in all their characteristics, there is not one feature more predominant, in every class of the country, from the highest to the lowest order, than gratitude for benefactions, and sensibility to kindness. Change your system towards that country and you will find them another sort of men. Let impartiality, justice, and clemency take place of prejudice, oppression, and vengeance, and you will not want the aid of martial law, or the terror of military execution.' For years the English people contemned the advice of this illustrious statesman. Every succeeding year saw new measures of 'prejudice, oppression, and vengeance' let loose upon Ireland, producing a temporary quiet, but sowing fresh causes of national demoralization and disturbance. At last the change wished for by Mr Fox came over the spirit of their councils; Lord Mulgrave was sent to Ireland; and in his train were found, not the old and haggard attendants of Irish viceroys, 'prejudice, oppression, and vengeance,' but the young and blooming pages, 'impartiality, justice, and clemency.'

At the vast obstructions which the Government has had to contend with, and in the face of which it has accomplished so much for the welfare of Ireland, we can only afford a glance. They may be divided into two classes,—one resulting from the protracted opposition of the House of Lords to necessary reforms; the other arising from the incessant efforts of the resident Tory aristocracy to counteract the policy of a liberal Administration. With reference to the state of destitution, which so unfortunately characterises the mass of the Irish peasantry, and the effect of that deplorable condition upon the public tranquillity, Lord Mulgrave expresses himself as follows:—

'But, my Lords, whilst in connexion with political tranquillity thus produced, there is this desire, on the part of the Government, to give to every moral feeling a proper direction, we cannot expect that this feeling, on the part of the Irish people, will be complete whilst there exists in full force one vicious ingredient in the social system, which has reduced the mass of the population to the lowest level, I may almost say, of destitution; and allow me to add, that there is one measure recommended in that portion of the Speech just read from the table, which your Lordships must take up in connexion with the state of Ireland, as of the most vital importance;—bring to its consideration a cool head, but be pre-

pared to act with a bold hand, for no country can be in a healthy state where there is not security for industry as well as security for property :—indeed I hold that one cannot exist without the other, and we can never expect that Ireland will be in a perfectly tranquil state whilst on this point she furnishes a lamentable exception to the rest of the civilized world.'

We have never seen the difference which unhappily exists between the relations of landlord and tenant in England and Ireland, more luminously stated than in the following passage :—

'Your Lordships must be well aware, the fact having been so frequently mentioned in this House, that much of the disturbance of Ireland depends upon, and has its origin out of the tenure of land in that country, and you must also be well aware how wide is the difference in the relative situations of landlord and tenant in the neighbouring kingdom, as compared with the situation of the same classes in England. In Ireland there is no security for industry. Land becomes a necessary of life; necessity drives hard bargains, and hard bargains beget no good or kindly feelings in the minds of those who are parties to them either on the one side or the other. But I will not pursue that part of the subject further. I will not enter into a discussion of those social relations which make so marked a distinction between the relative position of landlord and tenant in Ireland, as contrasted with the position of the same parties in happier England; it is enough to say that the general good feeling that exists in the latter is unknown or rarely to be found in the former, and that whilst, in most cases, the relation of landlord and tenant in England is one of sympathy without dependence, in Ireland it is one, too often, of entire dependence without a shadow of sympathy. Out of this unfortunate state of things arise many of the disturbances of Ireland.'

There is nothing more commendable in the speech before us, than the spirit of manly sympathy with the wrongs and sufferings of the Irish people which pervades it. The 'parental sentiment' which has been well said to be 'the true principle of Government,' impregnates it throughout. The extent to which the peasantry of Ireland were harassed in 1836, by the cruel execution of the Writs of Rebellion, is fresh in our memories. In the year which has just expired, another mode of exasperating the population, put the controlling power and healing influence of the Government to the severest test. The wearied pluralist, retiring from his avocations in the Exchequer, resigned the goad and the lash into the hands of the Tory landlord; and the persecution of the people assumed the still more appalling form of wholesale expulsion from their ancient holdings. Against this ruthless system, less the dictate of sordid interest than the gratification of religious rancour, Lord Mulgrave reclaims in a strain at once indignant and fervid. After portraying with painful fidelity the manifold sufferings of the unhappy people against

whom the sentence of extermination has in too many instances been carried into execution, the noble Lord goes on to depict the results to which these oppressions tend :—

‘ Such, I am told, is the condition of some of the tenantry in that part of the country to which I have alluded. My Lords, let those only who think that such things are right for such causes, let them, and them only, *talk merely of the crime, and think nothing of the misery of Ireland.* Nay, I will say more : if any such system is pursued—if any general depopulation of the country on the ground of religion is attempted in Ireland—I will still labour on ; I will still endeavour, as long as I am honoured with the confidence of my Sovereign, to secure the tranquillity and preserve the peace of that distressed country. The greater the difficulty, the more time will I devote ; the more numerous the obstacles, the greater the energy I will exert to surmount them, towards the attainment of that end. But I tell the persons who take such steps, that I consider them more powerful for evil than I can be for good, in the honest and unshrinking discharge of my duties. I tell them *there are depths of despair which no friendly voice can reach*, but if the people thus provoked should be deaf to my admonitions, and escape from my control, on the heads of those who have provoked them be the painful responsibility of the consequences.’

Having established the success of his government by a chain of evidence the most complete—having shown in what quarters the true and only impediments exist to the thorough pacification of Ireland—having shattered and demolished all the charges of his enemies, either impeaching the exercise of the powers and prerogatives delegated to him by the crown, or gainsaying the beneficial consequences that have flowed from his measures, there remained but one calumny to be exposed and silenced,—the allegation of subjection to Mr O’Connell’s influence. The reply of the Noble Earl to this hackneyed charge, swept away the last falsehood that remained to be dealt with—

‘ It has been stated by persons, who must know better, that Mr O’Connell has all the patronage of the Government of Ireland. I utterly and indignantly deny the truth of that statement. Mr O’Connell, like any other Member of Parliament, requiring information from the Government, has, I admit, had occasional communications with it ; but I can confidently state that his applications have been fewer than those of any other Member of Parliament. The taunt against me is, that I have treated Mr O’Connell in the same way that I would have treated any other Member of Parliament. So I have, my Lords, and so I will always continue to do. But I fearlessly and utterly deny that the Government has been controlled by Mr O’Connell, or has consulted with him as to any of the appointments that have been made ; and as to the charge of his having uniformly given the Government his support, I honestly confess that is a circumstance, considering how much he carries with him the hearts and affections of the Irish people, that I can regard only as a

great advantage, and as one that ought not to be made a matter of reproach.'

In conclusion, we earnestly recommend the perusal of this Speech to all who honestly wish to make themselves acquainted with what has, of late years, been done towards improving and tranquillizing the unhappy country which Britain has so long and so cruelly misgoverned.

ART. IX.—*Practical Evils of Dissent.* 12mo. London: 1837.

IT is impossible to express more uneasiness than we feel at being compelled to blame the proceedings of some very worthy persons, who, actuated by the best intentions towards the cause of religious liberty, have lately been exerting themselves in its behalf certainly, but in a direction such as all its best friends deeply lament. The doctrine of those who hold that all great legislative measures should either originate with the Government, or be adopted by it, in order that there may be adequate responsibility for whatever is recommended to Parliament, appears wholly untenable; indeed it is inconsistent with the nature of an independent representative system. But it derives occasionally some sort of recommendation from the kind of proceedings on the part of individuals to which we are now advertising. All considered measures are from time to time brought forward, which receive support, in consequence of the temporary position of parties, or other accidental circumstances; and laws are made which frequently produce serious inconvenience, or are nearly inoperative, but lend a sanction to very unsound principles.

The reader will at once perceive that we are alluding to the late act for relieving persons who have conscientious scruples about making the Declaration required of all who hold certain Offices in Municipal Corporations. The declaration is intended for the protection of the Established Church; and it binds the party not to use the influence of his office against that Establishment. The whole matter of the declaration was a great blot upon the measure of 1828, which the Liberal party, then in Opposition, forced upon the Tory Government, for the repeal of the Test and Corporation Acts. It left a Test, though of a less repulsive nature, at the time that it professed to abolish all tests; and as there is much difficulty in ascertaining whether the Establishment may or may not be injured by the tendency of many

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proceedings, the promise to do nothing injurious to it becomes a snare for conscientious men, and an encouragement to casuistry, if not to hypocrisy. Every friend of religious liberty must, therefore, desire to see this Declaration altogether done away with. But that is not the object of the late act, which only alters the form of the declaration, so as to enable those to make it who have no objection to bind themselves against offering injury to the Establishment, but who, having conscientious scruples about oaths, and considering the declaration of 1828 to be in the nature of an oath, object to make it, and wish to make another instead of it. Now this is the professed object of the new act; and therefore, in all consistency, and in all justice, its operation ought to have been general, so as to comprehend every class of persons, who, without objecting to the promise of neutrality (that is, official neutrality) towards the Church Establishment, do object to the terms in which that promise was corrected by the act of 1828. But such is not at all the frame of the new act: it singles out three descriptions of persons, and professes to relieve them alone. It leaves all the rest where they were left in 1828. The comprehended sects are Quakers, Moravians, and Separatists. The excluded are Jews, and all other sects having conscientious scruples about taking oaths. The Jew is excluded by the words which exclude all the others. The words of the declaration or test of 1828, 'on the true faith of a Christian,' excluded him; but these words were objected to by the Quakers and others, as partaking of the nature of an oath; which they certainly do; whilst the Jew, who does not object to any oath, however formal, was of course excluded by the substance, though not by the form of the words. The new test or declaration substituted by the late act leaves out these words; but contains a declaration that the party making it is either a Quaker, a Moravian, or a Separatist; and this necessarily excludes all, whether Christian, or Jew, or Gentile, who belong not to these three excepted sects. Upon this we are at issue with the framers of the act; and we agree with the Peers who solemnly protested against it, especially with Lord Holland,—on all occasions the prompt, steady, and enlightened friend of toleration in its largest acceptation, and who, regardless of all official trammels, and all party connexions, and all the little tribe of their personal delicacies and paltry etiquette, never fails, it may be remarked, to lift his voice for those sacred principles of religious, as well as civil liberty, to which his illustrious kinsman's life was devoted.

Our first objection and our chief, to this new declaration is, that it is neither more nor less than a test; and it is a test in the most intolerable shape. It is a test. Its language is—'no one

‘ shall partake of the benefits intended by this act, unless he can ‘ bring his mind to make this profession.’ Whoever, then, cannot conscientiously make it, is excluded; whoever can, is admitted; whoever chooses to do violence to his conscience, is let in; whoever is too honest to do so, is kept out. It is a test, and open to all the insuperable objections which have long made tests hateful in the eyes of all just men; absurd in the eyes of all thinking men; ridiculous in the eyes of all who regard consistency; and self-destructive, as frustrating the very ends for which they purpose to be contrived. Again, it is a test fashioned in the worst shape. It institutes a direct inquisition into men’s religious belief, by requiring a direct avowal of one or other of three creeds;—exactng a declaration of him who takes it, that he is of one specified faith, and none other;—and this it requires as a qualification, not for any religious function, but for one purely civil and secular. It was reserved for this act to teach the world what progress we have made in the principles of Toleration! Strange to tell, this new and inquisitorial test, which thus searches a man’s breast for his belief in spiritual things, is the produce of an advanced period of the nineteenth century, and is the handywork of some very sincere and useful friends of religious liberty! But they have framed their new test from some singular, and we freely admit, because we firmly believe, most unintentional oversight, upon the very principles which have been in all times, and in every country, the very ground of intolerance and persecution.

Next, we object to the gross injustice which the act commits against the excluded sects. These have a full right to complain of the invidious distinction which is drawn to their detriment, because to their exclusion. Their title to comprehension was as unimpeachable as that of the sects selected for admission. They are as well worthy of being trusted to declare their scruples—these scruples are as well entitled to consideration—the tenderness of their consciences has equal claim to delicate and respectful handling. But the act says they are not as other men are, and it therefore affixes a stigma upon them, which they felt far less before, when it was common to all, than they now do when some have been deemed worthy of relief, and they alone remain with the wound uneffaced.

Again, the persons relieved are so few in number compared with those excluded, that the only conceivable pretence for the unequal measure wholly fails. The Quakers are the only considerable sect of the three; and when we regard the admirable doctrines of that society,—their hatred of intolerance, their love of peace, their blameless lives, the steadiness of their devotion to their pure principles,—it would go far in gaining our assent to any

measure, if it secured any relief to them. But so far from this act offering any such inducement, no sooner did the Quakers hear of it, than they addressed the legislature to represent that they could not conscientiously make the proposed declaration, and that the new test excluded them as much as the old. It is said that there are one or two of that society who will take it. This may or may not be true; but if it is, surely a bill having a scope far less extensive than most private and personal acts, ought never to have been entertained by the legislature, when to relieve a few persons it stigmatized whole bodies of loyal subjects, and worthy and conscientious men.

The argument against the act on behalf of the Jews is met with an assertion that the object is only to remedy a defect in the act of 1828, which intended to let in the three sects, and only failed of its purpose by the oversight of supposing they could make the declaration prescribed. But this is manifestly unfounded, as far at least as applies to the argument for extending the relief now given to all who object to the former declaration as an oath. The act of 1828 did not more intend to comprehend Moravians, Separatists, and Quakers, than it intended to comprehend all other Christians who object to oaths; and it failed of its purpose through an oversight not at all confined to the tenets of these three sects. Therefore, whatever is to be said for now relieving them against the consequences of the oversight of 1828, may just as correctly be said, and in the very same words too, for extending that relief to any other sect which objects to oaths.

But let us come at last to the argument for excluding the Jews. The legislature always intended, it is said, at least to draw the line around the Constitution, excluding whoever belongs not to the Christian religion. Indeed! Is that the direction which the line takes? Then what keeps out the infidel who believes neither in the Old Testament nor the New? What keeps him who scoffs at all religion from swearing and declaring in words that either in his mouth have no meaning, or in his sense are the subject of mockery and contempt? Can even the new test prevent him from professing himself a '*Separatist*'? But the Constitution is essentially Christian, and all its outworks are in jeopardy the instant that Jews are let within the lines. Is it essentially Christian? Then how happens it that the highest municipal offices in the first corporation in England have again and again been held by Jews? How happens it that any office may be held by them without taking any test at all, and only running the imaginary risk of penalties, from which the regular operation of the same exclusively Christian Constitution relieves them annually, by an indemnity act, which no friend of the Constitution

ever utters one word against, and therefore no one, friend or foe, could say one word for, because it is passed year after year as a mere matter of course? A Constitution exclusively Christian! Why, it is as much the Constitution in Asia as in Europe, and yet an act was passed, unopposed, in 1833, by the enlightened Ministers of that day, expressly enabling all persons of all creeds and sects in India to hold any office whatever under Government. What then becomes of the Constitution exclusively Christian, of which the powers of Government over eighty millions of men may be wielded by Jew, Hindoo, Parsee, Mahometan, as well as by Christian? The matter is infinitely too absurd to detain us a moment longer.

These errors, chiefly from inadvertence, are of serious consequence. We have deemed it our duty shortly to observe upon them on this occasion, with a view to warn the Government and the Legislature how they lend their aid to propositions of such a kind. Of the good intentions of the individuals concerned no man doubts; but mischief is thus done which evil designs might have envied.

ART. X.—*Truths and Fictions of the Middle Ages. The Merchant and the Friar.* By SIR FRANCIS PALGRAVE, K.H., Keeper of the Records of the Treasury of Her Majesty's Exchequer. 8vo. London: 1837.

SIR FRANCIS PALGRAVE has here made a praiseworthy attempt to render popular and accessible to hasty and indolent readers a portion of that information, the materials of which, as they appear in his more formal works, may be supposed to possess little attraction for any but students. He has imagined a visit to England by Marco Polo, during which the Venetian falls into the company of Roger Bacon, and is introduced by him to various scenes exhibiting the political and social system of the country. This is not all. The Friar, besides giving his inquisitive pupil opportunities of instructing himself, communicates to him very largely his own views upon several political and moral questions. And Sir Francis Palgrave, not satisfied with speaking through the mouth of his imaginary interlocutor, also sets forth in his own character, and at very considerable length, his opinions upon numerous subjects, literary, metaphysical, theological, and political. To these is added much which appears to be simply intended for pleasantry.

The fiction is, perhaps, not very judiciously or gracefully contrived. The reader is not seduced into acquiring the information by finding it incorporated in a narrative possessing an interest of its own, but follows the slender thread of story simply for the sake of the knowledge. Very little, too, is gained by the personifications, which are not sustained with any dramatic force: indeed this seems to be scarcely attempted. Nevertheless, the book is entertaining and instructive; although we think that it would not be less instructive if all the general reflections were omitted, and are convinced that it would be much more entertaining if all the jokes were eradicated. By such a process, the volume would be reduced to half its present bulk: but the author would find no difficulty in restoring it to its original size by the addition of valuable matter of the same kind with the remaining contents of the book. Of such matter probably no living author has so ample a store; and, in truth, we complain of the insertion of what we consider useless and flat, principally from the suspicion that it has excluded much that would have been profitable and interesting.

The author states, in his dedication, that the most ample illustrations of such portions as relate to our Parliamentary and legal constitution are supplied by the collections of original records and other ancient documents edited by himself. Some curious instances of this are specified by him. As to one part of the work, that relating to the antiquities of London, he refers to 'a ponderous blue book,' containing the report of himself and his brother commissioners upon the municipal institutions of the great city. Those who have looked on the outside of this folio, which contains 584 pages, at about 75 very long lines per page, may well feel grateful to any one who gives them the means of deriving instruction or amusement from it without their unclosing its dreary cover:—more especially when this is undertaken by the person fittest for the task; for we suppose we may safely assume that the antiquarian department of the report has been principally furnished by Sir Francis Palgrave; we 'think we do know the 'sweet Roman hand.'

The first chapter is entitled 'The Refectory.' The scene is laid at the Abbey of Abingdon, where Marco Polo arrives, is hospitably treated, and becomes acquainted with Friar Bacon. In the second chapter, 'The County Election,' Marco and the Friar set out for London, and, in their way, are present at a Shire Court. Sir Francis admits that he cannot assert that all which he describes as taking place on this occasion could have been possible at any one time of history. The whole is, however, full of curious matter. We will give, as a specimen, the

account of the way in which the Parliament House was then filled. The Sheriff reads to the suitors the Parliamentary writ. The Lord Abbot of Oseney, a Parliamentary prelate who is present at the court upon business, is summoned personally; but moves off, repelling various attempts to obtain his presence as one of that noble body whom Lord Ellenborough, in a happy mood of irony, designated as 'the tribunes of the poor.' The High Sheriff, Sir Giles de Argentein, then reads the writ commanding him to cause two knights to be elected for the shire.

'A momentary pause ensued. The main body of the suitors retreated from the High Sheriff, as though he had been a centre of repulsion: and, after a short but vehement conversation amongst themselves, one of the bettermost sort of yeomen,—a gentleman farmer, if we may use the modern term,—stepped forward and addressed Sir Giles: "Your worship well knows that we, poor Commons, are not bound to proceed to the election. You have no right to call upon us to interfere. So many of the Earls and Barons of the Shire, the great men, who ought to take the main trouble, burthen, and business of the choice of the Knights upon themselves, are absent now in the King's service, that we neither can nor dare proceed to nominate those who are to represent the County. Such slender folk as we have no concern with these weighty matters. How can we tell who are best qualified to serve?"

"What of that, John Trafford,"—said the Sheriff;—"do you think that his Grace will allow his affairs to be delayed by excuses such as these? You, Suitors of the Shire, are as much bound to concur in the choice of the County Members as any Baron of the realm. Do your duty; I command ye in the King's name."

"Prove your allegations, Sir Sheriff,"—replied the sturdy Yeoman, who, as the Reeve, headed the deputation of his township.—"Quote the judgment, read the statute, cite the law, or produce the roll, showing that our concurrence in the Parliamentary elections is a part of our suit and service in the Shire. And if you succeed in finding that you have any coercive right over us in this respect, you shall harness me in the team; and know further, Sir Sheriff,"—continued John Trafford, "that I appear in this Shire Court as the Attorney and Steward of Sir Robert de Vere."

"So be it, Master John,"—retorted the Sheriff, with all the delight of a disputant about to place his adversary between the horns of a dilemma.—"Since I have you, as your master's representative in the Shire Court, I will let you go as a Suitor with all my heart. You have just alleged that the burthen and duty of the elections falls upon the earls and barons. This is your acknowledgement, in full and open Court, which you cannot retract, and of which I and the Coroners will all bear record by word of mouth before the Exchequer. Now deny, if you can, that, in all proceedings of this County Court, you are fully empowered by immemorial custom, to answer for Sir Robert your master, in the same manner as if he were here present. Therefore, under peril of the King's high displeasure, and as you tender life and limb, proceed at once to the

election, as you are in duty bound, and as it has been ruled, again and again, in Yorkshire."

'Fluctuating and uncertain as the elective franchise was, anterior to the creation of the forty-shilling suffrage, the only practice almost, in which much uniformity can be discovered, or which is defined with clearness and precision in coeval documents, is the usage of the Stewards or Attorneys of the Baronage concurring in the Parliamentary nominations, and on some occasions electing, or rather making, the members without the assent of any other parties whatever,—a professional arrangement which, as some folks say, is by no means obsolete.'

John Trafford gives up the point; and nominates one Sir Richard de Pogeys, who, having mean-while received a hint from Trafford, has been furtively gliding from the assembly. The sheriff instantly despatches his bailiffs to secure the member.

"And," continued he with much vehemence, "Sir Richard must be forthwith committed to custody, unless he gives good bail—two substantial freeholders—that he will duly attend in his place amongst the Commons on the first day of the Session, according to the laws and usage of Parliament."

The senator takes to flight, in the sight of his constituents, chased by the bailiffs, Dick-o'-the-Gyves and John Catchpole, who at last come up with him, and attempt by main force to secure his talents in the service of the county.

'Distinctly seen from the Moot-Hill, the strife was begun and ended in a moment; and in what manner it had ended was ascertained without any further explanation, when the Officers rejoined the assembly, by Dick's limping gait and the closed eye of his companion. In the mean-while, Sir Richard had wholly disappeared; and the special return made by the sheriff to the writ,' . . . 'will best elucidate the bearing of the transaction.

"Sir Richard de Pogeys, Knight, duly elected by the Shire, refused to find bail for his appearance in Parliament at the day and place within mentioned, and having grievously assaulted my Bailiffs, in contempt of the King, his crown and dignity, and absconded to the Chiltern Hundreds, into which Liberty, not being shire-land or guildable, I cannot enter, I am unable to make any other execution of the writ, as far as he is concerned."—P. 75—81.

Who could have discerned, in such a transaction, the germ of our representative privileges—of so much that has been noble and precious in our history, mixed up with so much that has been base and ludicrous? Of the struggles of Hampden, Vane, and Elliot, of the Bill of Rights, of the Duke of Newcastle's right to do what he would with his own, of the agony and triumph of the Reform Act, of Old Sarum, East Retford, and the Spottiswoode Subscription? Yet such was the acorn from which sprang the stately British oak!

‘ First a seedling, hid in grass ;
 Then twig ; then sapling ; and, as century roll’d
 Slow after century, a giant-bulk
 Of girth enormous, with moss-cushion’d root
 Upheav’d above the soil, and sides emboss’d
 With prominent wens globose—till at the last
 The rottenness, which time is charged to inflict
 On other mighty ones, found also thee.’

The third chapter is called the ‘ Guildhall.’ We are here introduced to various civic scenes ; and a short view is given of the progress of the early constitution of the Corporation of London. The state of the city, in the Anglo-Saxon age, must be left almost entirely to conjecture, and affords, we think, hardly specious grounds for that. Sir Francis believes that it ‘ was then in ‘ the nature of a republic, subjected rather to the supremacy than ‘ to the authority of the *Emperor* of Britain.’ It is certain that the earliest existing charters recognise, but do not affect to create, the franchises of London.* With forty thousand fighting men dwelling within her good stone walls, she contrived to maintain her freedom, and increased in prosperity from age to age, in spite of incessant talliages and loans (which sometimes appear as the direct contract price of grants from the crown†), and of occasional seizures of her liberties into the hands of the monarch. Much of the independence of London, says the author, was owing to the existence of the king’s courts. We suspect, however, that the internal jurisdiction of the city itself had a larger share in producing the result. He adds (p. 90), ‘ Nor amongst the causes ‘ of the well-being of London, must we omit the kindly influence of civic hospitality,—and long may it continue, AND WE ‘ **BE THERE TO EAT.**—Constantly in the habit of assembling at ‘ the festive board, as well in the greater associations of the city,

* The Conqueror’s charter is addressed to the Bishop William, and to the Portgerefa, and to all the Burhwara. ‘ They are to enjoy all the laws, i.e. the customs or privileges which they had in the days of the Confessor ; and he wills that every child shall be his father’s heir after his father’s days, and he will not allow that any man shall do them wrong.’—*Report (Appendix)*, p. 5.

† For example, in the charter of 18th Edward IV., which recites that the king owed the mayor and commonalty L.12,923, 9s. 8d., and that they had agreed to release, of this sum, L.7000, to the intent that they might obtain a grant of the offices and occupations after-mentioned.—*Report (Appendix)*, p. 19.

‘as in the smaller bodies of the guilds, our citizens, however much they might be at discord or variance, were always in the way of being brought together by good fellowship. When the rival parties at Florence would have been employed in razing each other’s towers to the ground, our London factions united in demolishing the ramparts of a venison pasty.’

‘Turn thou the mouth of thy artillery,
As we will ours, against these saucy walls.
—Let it be so—say where will you assault?
—We from the west will send destruction
Into this city’s bosom.—I from the north.
—Our thunder from the south.—
—O prudent discipline! from north to south,
Austria and France shoot in each other’s mouth.’

King John.

“Φέρι δῦρο, πᾶσι, θάρσκα πολυμιστάριον.—
ἔχαιρι, πᾶσι, θάρσκα πᾶμοι τὸν χῶμα.—
ἐν τῷδε πρὸς τοὺς πολέμους θαρῶμαι.—
ἐν τῷδε πρὸς τοὺς συμπτώτας θαρῶμαι.”

ACHARN.

— On this affecting subject, we rejoice, as we live by bread, to find that the five authors of the ‘ponderous blue book,’ while they recollected that they were commissioners, did not forget that they were men. They inform the Crown (at p. 19 of their Report) that the companies of the city

‘Also possessed the character of modern clubs. They were institutions in which individuals of the same class and their families assembled in social intercourse. So important was this object deemed, that several of the Companies now actually hold their Banquets under their Royal Charters. The annual feasts of the Skinners, Haberdashers, Clothworkers, &c., for instance, are LEGAL AND CORPORATE FRANCHISES.’

‘As I suck blood, I will some mercy show.’

The author suggests a theory upon the early form of the municipal community, which we will give in his own words:—

‘If I were in a mood to theorize upon the scanty vestiges of the ancient state of society in London, I should be inclined to maintain, that the inhabitants, the Burwaha, or Burgesses, as they are termed in the Charter of William the Norman, were severed into two distinct classes,—the Aldermen, Magnates, or Barons, the representatives of some very ancient and victorious race, in whom the powers of government principally rested,—and the Citizens at large, the descendants of a vanquished race, a mixed multitude, and who were perhaps themselves subdivided into various plebeian castes.’—P. 91.

This is a somewhat bold adoption of Vico’s theory of the

origin of an aristocracy, of which Niebuhr has so well availed himself, and which Dr Arnold has rendered accessible, and illustrated so ably, in the first Appendix to his edition of Thucydides.* The warrior caste of nobles in the lofty citadels, and the community of the borough clustering around the foot of the rock or the fortified wall, are features of which, in this country, we may yet trace the vestiges in the little Welsh boroughs, as Knucklas and Llantrissant, more distinctly perhaps than in larger towns. In the work before us, we have the funeral of an alderman,—the victim, we may imagine, of his own ardour in the deadly breach, upon the occasion of one or more of these saccades to which Sir Francis attributes so much of the freedom of London,—described as arrayed with crested helmet, spur, gold-hilted sword, and emblazoned shield, the ensigns of nobility: and we are introduced to Aldermanbury as a gray castellated edifice, ‘the Aldermarna-Burgh, the fortress of the Senators, the spot which, from time whereof the memory of man runneth not to the contrary, hath been the seat of the government of our community.’ Some of our readers may perhaps remember other names near this core of the city, as Addle (Atheling) Street, denoting nobility: and the warlike features of the ancient civic aristocracy will not surprise any reader of the romance of Merlin, who recollects how,† on an emergency, the constable or mayor, Sir Do, blows his horn in Aldgate, collects the several aldermen of the city with their respective wards, and rushes out to the aid of Sir Gawain, then engaged in an unequal conflict with the Pagans. Those who choose to follow out Niebuhr’s view more resolutely may place a Janus at Bishop’s Gate, looking, with his several aspects, to the Ward Within, and the Ward Without; and may see, in the contests as to the joint and separate wardmotes, a repetition of the phases of society in which the Icili and Licinii acted. We decline, for our own parts, to attempt to pursue, into yet earlier stages of polity, the analogies which a bold theorist might find to the representations given by Vico of a state preceding that of the warlike aristocracy,—that in which the traditions of giants originated. We dare not tell, in English, how these sons of the earth, the predecessors of the warlike caste who formed the burghal aristocracy, acquired their vast bulk, not, as their successors, by the exploits in which Sir Francis so enthusiastically participates, but by a less social

* See especially p. 623.

† Part II., Canto 4. Ellis, *Spec. Met. Rom.* I. 278.

and (to modern notions) less pleasing process. 'Onde andarono in uno stato affatto bestiale, e ferino; nel quale le madri, come bestie dovettero lattare solamente i bambini, et lasciarli nudi rotolare dentro le fecce loro proprie, ed appena spoppati abbandonarli per sempre; e questi dovendosi rotolare dentro le loro fecce, le quali co' sali nitri maravigliosamente ingrassano i campi, e sforzarsi, per penetrare la gran selva, che per lo fresco diluvio doveva esser foltissima; per li quali sforzi dovevano dilatar altri muscoli per tenderne altri, onde i sali nitri in maggior copia s'insinuavano ne' loro corpi; e senza alcuno timore di Dei, di padri, di maestri, il qual assidera il più rigoglioso dell'età fanciullesca, dovettero a dismisura ingrandire le carni, e l'ossa, e crescere vigorosamente robusti, e sì provenire giganti.* The results may be seen yet figured out in the Gog and Magog, the vast guardians of the Guildhall, where they stand, as Pallas Poliuchus stood in the Athenian Acropolis with the serpent near her lance; that serpent which Pausanias took for the earth-sprung Erichthonius,† and which was the type of autochthonal nobility, and was supposed to be itself instinct with life, and a guardian genius of the citadel.‡ We do not positively say that the dragons which support the city shield have a similar mythological origin.

The aldermanry descended from father to son, and might be bought and sold, like 'a baronial jurisdiction, a lordship, an honour, or a manor, to which analogous rights of jurisdiction were appurtenant.' The advance of the citizens from the mere right of attending in folkmoot to consult on important occasions with their lords, the aldermen, on to their successful demand of a share in the election of the mayor, about the commencement of the reign of Edward I., and to the right of a voice in Common Council in the government of the city, is described by Sir Francis Palgrave; and the account, with the exception of some superfluous waggery, is highly interesting. He goes on to exhibit several scenes displaying the peculiar nature of the civic privileges; we regret that we have not room to give any account of these; but we recommend this part of the work most strongly to the attention of all who wish to obtain information on this most important, but little understood, part of English history.

The fourth chapter is entitled 'Parliament.' The Merchant

* Scienza Nuova, vol. II., p. 8. (1801).

† Att. 24. 7.

‡ Herod. VIII. 41. Aristoph. Lysist. 759.

and Friar go to Westminster, and witness the equitable remedy, by the Crown in council, of grievances left uncured by the letter of the law. They also enter the Parliament-chamber, but behold there little more than an adjournment, preceded however by a curious negotiation respecting the relative precedence of the sees of Canterbury and York. Sir Francis details the discussion somewhat minutely: but, as it involves, in his narrative, matters which we think scarcely consistent with the dignity of the ecclesiastical functionaries (including the annexation of a fox's brush to the tail of the apparitor of the Archbishop of York, and the wounding of the shaven head of the Prior of St Bartholomew's by the crosier of the Abbot of Fountains), we prefer giving a narrative of a similar, but less indecorous, treatment of the same grave question from the learned author of *The Eirenarcha*.

'After this, another hurley-burley happened in a Synode assembled at Westminster, in the time of King Henry the Second, before Cardinall Hugo, (Pope Alexander's Legate) betwene Richard and Roger, then Archbishops of these two Sées, upon occasion, that Roger of Yorke comming of purpose (as it should séeme) first to the assembly, had taken up the place on the right hande of the Cardinall, which when Richard of Canterbury had espied, he refused to sit downe in the second roome, complayning greatly of this prejudice done to his Sée: whereupon, after sundry replies of spéech, the weaker in disputation (after the late maner of shrewde Schoole-boies in London stréetes), descended from hote wordes, to hastie blowes, in which encounter, the Archbyshop of Canterbury (through the multitude of his meiney) obtained the better: So that he not onely plucked the other out of his place, and (trampling upon his bodie with his féete) all to rent and tare his Casule, Chimer, and Rochet, but also disturbed the holy Synode therewithall in such wise, that the Cardinall for feare betooke him to his féete, the company departed their businesse undone, and the Bishops themselves mooved suite at Rome for the finishing of their controversie. By these, and such other successes, on the one side the Byshops of Canterbury following, tooke such courage, that from thencefoorth they woulde not permit the Byshops of Yorke to beare up the crosse, either in their presence, or province: And on the other side, the Byshops of Yorke conceived such grieffe of heart, disdaine, and offence, that from time to time they spared no occasion to attempt both the one and the other.'—LAMBARDE'S *Perambulation of Kent*; p. 82. (1596.)

The same author tells how Edward III. finally settled the matter, by giving the precedence, mitigated as to some formal

circumstances, to the cross of Canterbury, allowing it to take the right hand of that of York.

‘Finally, that in broad stréetes, and high waies, their crosse-bearers should go together, but yet in narrowe lanes, and in the entries of doores and gates, the crossier of Canterbury should go before, and the other come behind, for feare of Justling. So that (as you see) the Byshops of Canterbury evermore prevail-ling by favour and obstinacy, they of Yorke were driven in the end, to give over in the plaine field, for verie despaire, wanhope, and wéerinesse.’

At the end of this narrative, Lambarde, who evidently writes under feelings of prejudice, ill-naturedly asks, *Peccat uter Cruce dignius?*

The fifth chapter is entitled ‘The Friar’s Study,’ and the sixth and last is entitled ‘Knowledge.’ These are, in our judgment, much the least interesting portions of the work. The author’s object, in writing them, seems to have been to convey his own views on the effects which science exerts upon the moral and religious state of society. They consist principally of dissertations upon this subject, delivered either in the character of the Friar, or in that of the author himself.

We have endeavoured to give our readers a general notion of the kind of information which they may derive, at the expense of little time or labour, from this work. We are by no means sorry that we have so little room left for pointing out what we consider its faults.

Our first complaint is, that an inordinate proportion of the book is absorbed by matter intended for drollery, which has only the effect of exhausting the attention. We have already adverted to this; and we had thought of extracting some passages to justify the complaint: but, upon consideration, we deem it better to content ourselves with simply recording our protest; and we avert our eyes from the austere frolics of our learned instructor with feelings like those which actuated the squire of the Knight of the Doleful Countenance, when his master thought it expedient to ‘come aloft’ in the Sierra Morena. ‘Y desnudándose con toda priesa los calzones, quedó en carnes, y en pañales; y luego sin mas ni mas dio dos zapatetas en el ayre, y dos tumbas la cabeza abaxo, y los pies en alto, descubriendo cosas, que por no verlas otra vez, volvió Sancho la rienda á Rocinante, y se dio por contento,’ &c.

Another fault is of a sort the least likely, of all others, to have occurred in a work of a thoroughly learned man like the author: it is that of speaking by guess, upon matters which lie within the

department of positive knowledge. Thus, in the preface, Mr Whewell's 'History of the Inductive Sciences' is spoken of as 'a work combining the imagination of the poet *with the precision of the mathematician*.' This happens to be a lucky guess, in the particular instance: but what value will Mr Whewell attach to the panegyric, when he finds, at page 100, the following metaphor? 'It would be well for the peace of the world, were it possible for political partisans, of all sides and parties, to understand how entirely they miscalculate the elements of the courses in which their tutelary planets move. As the luminary recedes, and diminishes, and fades away from the sight, they comfort themselves with the idea, that the Star is revolving in a parabola. However protracted the period may be, they ween it will, at length, reappear with accelerated rapidity and increased splendour. But, alas! it has flown off in an hyperbolic curve, never returning into the orbit from which it has once departed!'

'O loss of one in Heaven to judge of wise!'

Mistakes of this sort are the more annoying from the general tone, which pervades the work, of contempt for every intellectual pretension made by such portions of the human race as do not consist of the porcelain clay of the world, and disgust at all humble attempts to improve their intellectual condition. Surely a *sneer at Mechanics' Institutes* comes ill from one who has condescended to pay to the science of Mathematics the tribute of a conjecture as to the meaning of its language, and the nature of its results. No writer can be less justly suspected of ill-nature or shallowness; yet he has left many passages which, if the work were anonymous, might justify both suspicions.

Another fault, and that also a strange one to be committed by a scrupulous and laborious scholar, is the exaggerated and peremptory language in which opinions are expressed. Thus he assures us (p. 197), that 'Liberty in "the States" *consists* in the full prerogative of "extinguishing" the Red man by the progress of intelligence;—cuffing and kicking the Coloured man out of the White man's aisle,—and slicking and cropping the white man under suspicion of being suspected as an agent of the anti-slavery Society.' It would be about as reasonable, if any one were to assert that Sir Francis Palgrave's learning consists in supposing that bodies which move in parabolas return to the places which they have quitted.

We should be much disposed, if space permitted, to quarrel with some other opinions, urged by the author in a tone of conscientious earnestness which cannot be misunderstood. The

greater part of the last chapter is devoted to an attack upon all natural theology, which does not assume as its foundation a belief in the revealed word of God. He treats it, not simply as imperfect if it stop short of this, but as absolutely mischievous in itself. And the ground upon which he seeks to invert the order of teaching which was sanctioned by St Paul, to say nothing of men like Butler, is, that it leads to an unjust view of the Divine attributes, because it shows the existence of evil, which it cannot reconcile with perfect wisdom and goodness; whereas revelation teaches 'that the earth was cursed for man's sake.' But how this removes the difficulty, how the possibility of sin, and of the misery produced by sin, is compatible with the assumed attributes, he does not explain. In fact, he has perplexed himself by taking for granted that the history of some of the results of evil is an explanation of its origin; not perceiving that the Christian system starts with assuming, as a fact, the liability of created and responsible beings to evil. The absence of all doctrines purely speculative from the Christian revelation, is indeed one most remarkable feature by which it is distinguished from false religions, as has been admirably shown by Archbishop Whately.*

Opinions, which, though less pernicious than this, yet appear to us eminently false, are diffused throughout the book; but we abstain from pursuing our criticisms further, not merely from want of space, but also from a conviction that they are the parts of the volume least likely to attract attention. We will cheerfully, if opportunity should be afforded us, resume this relation; and, if we cannot persuade Sir Francis to omit his general reflections, we would gladly accept another volume with as much information in it, though it contained twice as many witticisms, and twice as much general speculation.

'Hast thou gold yet? I'll take the gold thou giv'st me,
Not all thy counsel.
More counsel with more money, bounteous Timon.'

* See Fourth Essay on some of the Peculiarities of the Christian Religion.

ART. XI.—1. *Report of the Select Committee appointed to enquire into the working of the Negro Apprenticeship.* London: 1837.

2. *Papers relative to the Abolition of Slavery.* Parts I., II., III. London: 1837.

THE quantity of talking and writing which goes on under the sun, has grown of late years into a practical inconvenience, towards the diminution of which every man ought, we think, to do something. Accordingly, having nothing conclusive to make known, we have been silent for some years on the condition of the negroes in the West Indies. Soon after we last addressed our readers on this subject, the object which we had so long laboured without ceasing to bring about, was taken up, in the true spirit, by those to whom it especially belonged, and put in a way to be speedily and satisfactorily accomplished. The old language of argument and admonition, which had been vainly persevered in till it had become little better than a mockery and pretext for delay, was at length abandoned; and a new language was adopted which the Colonial Assemblies could hear. On the 28th of August, 1833, their consent to the ABOLITION OF SLAVERY was secured by an Act of Parliament, declaring that, whether they consented or not, within twelve months SLAVERY SHOULD POSITIVELY BE ABOLISHED; and they were invited to anticipate the operation of that law by making one in the meantime for themselves. For the loss of property thence accruing, ample compensation in sterling money was provided; and by withholding the payment of that compensation until effectual measures should be passed for the protection of the newly emancipated population, a further security was taken for their co-operation in that work also. The enactment of proper laws being thus secured, it remained only to secure the proper administration of them. This was effected by intrusting it to a body of magistrates sent out from England, paid by Government, independent of all local authorities, unconnected with all local interests, and, above all, ‘unacquainted with the negro character;’—capable, that is, of believing that black men are born not merely to raise sugar for white men, but to die and rise again for themselves.

Since the change was thus fairly set on foot, and the conduct of it was placed in willing and trustworthy hands, we have been content to watch its progress in silence; and though we have seen many things to deplore, and some things to disapprove, we

are bound to confess that our predominant feeling has been one of triumphant satisfaction. Many things we have seen to remind us how grievously the nature of a man may be defaced and degraded by the tyranny of his brother; but more to assure us how much will remain undestroyed, after all that tyranny can do;—how safely we may trust that good will be called forth by good, and that the place on which mercy drops will never long be barren; to teach us, not indeed for the first time, but by the largest and most striking example which has yet been given to the world, that neither complexion, nor climate, nor oppression itself, can make the condition of a man desperate, or exclude him from the great brotherhood of humanity. In watching the progress of this,—the newest and the noblest experiment in this kind,—we have seen the most sanguine hopes which, in the confidence of our common humanity, we ventured to entertain, fulfilled one by one even beyond our expectations, and taking their place among established truths; while the predictions of those who, in the confidence of an exclusive acquaintance with the negro as distinguished from the human character, so scornfully rejected them, we have seen one by one pass onwards to the proof, burst, and be forgotten. Already have the original disasters, announced for twenty years as unavoidable, if ever slavery should be abolished, yet as more to be avoided than sin itself, been left in the secure distance. The cheerful augurs have forgotten their own presage. Other new forebodings have bubbled up in their place to meet the shifting occasion, and to vanish along with it, each swallowed by its practical refutation faster than we can pursue them; and so chasing each other to the place whither all false things go. The experiment has not yet reached its close. The prophetic soul of the planting interest has yet many things to dream of which are not to come. Many a fatal fear has to be engendered, announced, and forgotten, within the next few years. Such fears requiring no ground to stand on, and taking up no room in the mind, are not to be counted for their number; nor will they be all set at rest until the new system shall have had time to adjust itself, and the account of hopes and fears shall be finally closed. We have no wish to anticipate that natural consummation. Why should they die before their time? That the matter will finally issue in a state of enduring good, which will leave room for only one opinion with regard to the abolition of slavery,—namely, that it was in every view expedient and ought not to have been delayed a day longer;—for only one regret, namely, that it was not done sooner and done more boldly; that in the framing of the new law, the negroes were not trusted more and their masters

less;—all this we seem to foresee so clearly, that we would willingly wait in silence for the due arrival of that day, rather than vex the subject with premature and needless disputation. Till that day arrives, the closing chapter in the history of the ABOLITION OF SLAVERY—perhaps the most instructive of all human histories—will be wanting, and it will be too soon to take a final review of it.

But though we have no wish to pursue a fruitless triumph in honour of ourselves, or to interfere with the progress of the measure, which is going on, if not in all respects as well as we could wish, at least as well as we could hope to make it; and though to those who have watched it like ourselves we have in fact nothing of importance to say; yet, for the benefit of others, who, being unacquainted with the real state of the case are likely, from representations recently put forth, to take a very false impression of it, we have thought that we might now perform a useful service, by exhibiting the actual results of the measure, so far as it has yet proceeded;—giving, as far as may be, distinct references to the facts on which we rest our conclusions, and the sources from which we draw our information.

Purely good those results cannot well be. A single Act of Parliament may release all slaves from their servitude, and deprive all slave-owners of their authority; but to change a slavish multitude into an orderly and happy peasantry, a slave-driving oligarchy, deformed and made fierce by their false attitude, into a natural upper class, must be the slow work of time. In order to judge how well the experiment has succeeded, we must endeavour to remember the position in which we stood before, and the difficulties and perils which seemed to beset us whichever way we turned. The evils of slavery were, indeed, pretty generally admitted, and were becoming more and more obvious every day. Slave property, from being an object of greedy, gambling speculation, in pursuit of which so many fortunes had been lost and won, had become valueless in the market;—ruined, as some said, by the interference of the mother country—dying, as we say, of its own inherent sinfulness, the wages of which is death. Gangs of slaves could be bought for almost any thing. Estates could not be sold at all. The slave proprietors themselves had begun to feel that they would gladly escape from their position, if they knew how to do it, without putting themselves in a worse. But how to get rid of slavery, without drawing down some very serious calamity on one side or the other—either by the sudden ruin, not of the proprietors alone, but of all those whose incomes were derived directly or indirectly from the many millions annually paid for the exported produce of the

West Indies ; or from the inroads on social peace and security which could not but be apprehended from a mass of slaves suddenly let loose—was at that time a problem by which the wisest as well as the most sanguine abolitionists were perplexed. The sudden cessation of sugar cultivation in our slave colonies would be a lighter calamity than the perpetuation of slavery. Still it would be a serious and substantial disaster, which it was most desirable to avoid. The relapse of the slave population, sudden or gradual, into a primitive condition of society, without effective civil government or organization ; without any principle of order within, or any power to impose order from without ; without any securities for the weak and simple against the tyranny of the strong and cunning ; and, above all, inaccessible to the influence of teachers and preachers—their relapse into such a state would be a lighter evil than a continuance in their former condition, by just so much as such a state of society would be better than slavery. Still it would be an evil of great magnitude ; and if they could be made to pass from bondage to freedom without overthrowing the existing apparatus of social order in the passage, a considerable sacrifice might well be made by all parties, themselves not excluded, for the sake of so bringing the matter about.

To devise a measure, then, which should secure the immediate extinction of slavery, and some immediate relief to the slaves, without involving any of the evils above mentioned, was the problem to be solved ; and the measure, into the success of which we are about to enquire, is to be regarded as an experiment towards the solution of it—a measure which, at the time of its introduction, was attended with more anxiety, and involved in more uncertainty as to its immediate issue, than it is easy to remember now that the issue is known.

To discuss the *a priori* probabilities of success would be beside our purpose. Enough that it has succeeded. But, in order to judge how far that success ought to be considered as a matter of congratulation, it is essential that we should call to mind what we thought ourselves entitled *beforehand* to expect—how we stood, and what we looked for five years ago. Five years ago controversy was cut short. It was finally resolved that, come what might, slavery should be abolished without delay ; and we were left to anticipate the issue in silence.

Now, endeavouring to recall our own feelings at that crisis,—our confusion of hopes and fears,—we well remember, predominant above all other feelings, an unshaken conviction that nothing permanently bad could come of it ; and, at all events, that, come of it good or bad, it was *right* that it should be done ; but,

as to the *immediate* issue, we remember some strange misgivings. That so inveterate a sin could be purged away, and no penalty exacted ;—that nature had no revenge to take for the long violation which she had suffered ; that the transition from an unnatural to a natural state would be itself natural and easy, and society restored to health without passing through some painful discipline ;—it was almost impossible to hope. Eight hundred thousand human beings, from whom all instruction had been withheld, in whom all exercise in the duties between man and man had been discouraged, all sense of responsibility repressed—who had never been asked for love or pity—who *owed* no love or pity—who had rather been taught that love, pity, forbearance, fellowship in human rights and duties, were not *for them*—who had been taught to fear nothing but the lash, to hope for nothing but exemption from animal pain—to whom industry had been made odious, obedience a blind necessity, mercy itself a thankless and degrading boon—eight hundred thousand human beings, in whom all the gentler and more ennobling sentiments of humanity, ‘self-reverence, self-knowledge, and self-power,’ had been thus checked in their growth, while the lower passions and instincts must have been, under that very discipline, growing stronger—eight hundred thousand human beings, so trained and taught, were to be told to come forth and be free ; to go where they would, seek their food where they could find it, to be henceforth their own masters ; still however holding themselves subject to the necessary regulations of society—subject, that is, to a life of labour and privation, and all the hard conditions attaching to ignorance and poverty, in lands where rich men rule. To these conditions (hard surely, though, it may be, inevitable) they were to be told to submit cheerfully. From what motive, or on what consideration ? Not as being a powerless minority, who might understand the necessity if not the justice of the case ; they formed everywhere a large majority—a majority conscious of their strength and numbers, and wearing an indelible badge, which, while it divided them from the overruling minority, united them to each other by the assurance of sympathy and a common cause. Not because their minds had been subdued into apathy : on the contrary, their discontents had but just before broken out in open insurrection, and their hearts were still inflamed and agitated by the fierce passions which had been generated in the struggle. Not because they would have nothing more to wish for : they would wish to find in freedom that golden state which they had dreamed of. For their submission to the necessary regulations of society we could trust to none of these things, but only to their respect for the laws of the world—a world

which had never been their friend—for obligations, the sense of which had never been called forth in them—for the mutual charities of a society from which they had been scornfully excluded—for personal interests which they had never been qualified to understand—for common duties which they had never been allowed the opportunity to practise, involved in common rights which had never before been recognised.

Such, and no less, would have been the experiment of an emancipation, immediate and unqualified, of the slaves in the West Indies. Could it have been safely made? Seen from the position in which we stood then, we should say it was scarcely reasonable to hope so. Seen from the position in which we stand now, we should still say it was impossible to be confident of it. Knowing now all that we did not know then, we are still disposed to think that, had the slaves in all our colonies, as in the very favourable case of Antigua, been emancipated at once and absolutely, though it is very possible that no great disaster would have followed, it is scarcely to be affirmed that no great *risk* would have been run. Where there is ignorance, excitability, natural causes of discontent, and overpowering numbers on one side; on the other, violence, intemperance, and a disposition to provoke; there, there are the elements of an explosion. And though the explosion may not come for years, or for ages, still there is every day a danger of its coming, and at the end of each day it is impossible to say how many times a mere breath may have averted it. That state of things is not safe, on the stability of which, or at least on its speedy restoration in case of disturbance, it is impossible to *calculate*. That community could not have been safe, the peace of which depended in any considerable degree upon a population of slaves newly emancipated not proving inflammable—a magistracy of managers and overseers newly diswhipped not scattering fire—a colonial police newly organized being able promptly to extinguish the flame—or a colonial militia not making more mischief than it found.

Smoothly, therefore, as this critical time has passed; few and trifling as are the disturbances which have occurred, and the dangers which we have seen; and secure as the rest of the way now appears to be; we are far from believing that unqualified emancipation, especially if forced on the colonial legislatures against their will, would have been either politic or justifiable. At all events, without pretending to say that the probationary state of Apprenticeship could not have been safely spared, we can at least say this—that under this probationary state much has been done: uncertainty and alarm have vanished; many dangers, which seemed to lie in the path, have been passed over safely

and without risk ; some advances have been made in civilisation ; some hearty co-operation has been secured towards a further advance ; nothing as yet has gone backward. And very sure we are, that if among the numerous plans for the abolition of slavery, sudden or gradual, which were rife in 1832, any one could have been *ensured* to work as well as this has done,—as well and no better—it would have been eagerly accepted by all parties.

Before we proceed to examine how far the objects of the measure have been attained, we must state briefly what we conceive them to have been. The main ends proposed were, as it appears to us,—

1st, The immediate and absolute extinction of the *essential principle* of slavery,—that principle which recognised the slave only as a *chattel*, subject not to the law but to the mere will of his master, and capable of legal protection only as horses and cats are protected by Mr Martin's Act. From the hour when the Abolition Act came into operation, the slave became in all respects a *person* ; having his rights and duties defined by law ; entitled for any infringement of the former to a definite legal remedy, and liable for any infringement of the latter to a definite legal penalty. The show of conferring and protecting such rights which had been previously made by inoperative meliorating laws, was to be now realized by the operation of laws revised by the Crown, and administered by the Crown's paid servants.

2dly, The immediate extinction not only of the principle of slavery, but of every remnant of the servile relation, in respect of all persons not yet involved in it ;—every child born within the six years previous to the passing of the Act being placed at once on the same footing with other British subjects.

3dly, Some immediate relief in the physical condition of those who were not to be immediately released from all their existing obligations ;—one-fourth of the time which had previously been at their masters' disposal being at once placed at their own.

4thly, The immediate removal of the more important impediments to the civilisation of the existing servile population ; by admitting their evidence in courts of justice, by encouraging them to make contracts and receive wages ; by recognising the validity of their marriages ; by introducing new facilities for education ; by removing all restraints upon the free communication of religious knowledge ; by qualifying them to demand their entire freedom on tendering the fair value of their remaining services ; by exempting females from the lash ; and by some other provisions of the same nature.

5thly, The maintenance, in the mean-time, of the existing

order and framework of society; the protection of the proprietors against the sudden paralyzation of the immense capital invested in West Indian property,—of commerce against the sudden stoppage of a most fruitful source of productive industry, the failure of which would leave a hundred channels dry,—of the community generally (the labouring population not excluded) against that dissolution of all social polity which the subversion of the existing order would carry with it. This was to be effected by upholding the former barriers of society, confining labour within its former channels, and enforcing the performance of certain mutual obligations between the master and the slave, similar to those formerly subsisting, though curtailed in extent and under a new sanction,—for such limited period as might allow each party to feel their way through the change, gradually to adjust themselves to their new position, and to prepare their minds and fortunes for whatever might befall.

Such we take to have been the main ends of the new law, the attainment of which was essential to its successful operation.

The next point was to contrive that they should be carried into effect according to the design, by the enactment in the several colonies of laws adequate for that purpose. This was a point which could of course be only partially attained. There was never yet a law so well devised and so faithfully administered, as altogether to defy encroachment, evasion, violation, or defeat; scarcely one (always excepting laws made for the protection of the law-makers or lawyers) under which the injured party could be secure of a remedy adequate to the injury sustained. Murderers, robbers, seducers, slanderers, may be made to suffer, but not to restore what they have taken; the debtor may be made to pay his debt, but cannot repay the cost, the time, or the anxiety of the prosecution: in cases of disputed property the ruinous effects of 'going to law' have passed into a proverb. And if this be the case in England, with her impartial judges, her learned lawyers, her competent juries, her magistrates, if not always learned and impartial, yet with every chance of being so, which general education and a jealous public opinion can secure; how much more so in the West Indies, where for so many years all the education, and with it all the making, administering, and interpreting of the law, and all the public opinion which can make itself heard, has been confined to a small minority,—interested, as all ruling minorities must be, *against* justice,—and as if by a common conspiracy of legislature, judges, grand jurymen, petit jurymen, magistrates, and journalists, deliberately set to defeat its ends. Moreover, in the legislative colonies, this difficulty was formidably increased by a

condition conceded to the legislatures as the price of their cordial co-operation; namely, that they should be permitted to make these laws themselves. The Government might disallow all acts containing improper provisions, and withhold the compensation until proper ones should be substituted; but was not at liberty to dictate the terms. How hard it must have been in the hurry of that time to overcome this disadvantage altogether, may be readily conceived. In such a society, indeed, and under such conditions, to contrive that laws should be passed within twelve months, not only faithfully declaring the new rights of the emancipated population, but so framed as to preclude the possibility of any violation of them, was a thing not to be expected. Though the colonial legislatures might have every wish to pass a perfect law, they had scarcely the skill. Though the Government might be perfectly acute and vigilant, it could hardly clear away all loose phraseology and all objectionable provisions, without tendering more assistance than the Assemblies would accept. Even though a perfect law were passed, it would be impossible to secure for it a perfect administration; or to ensure it against misinterpretation by the colonial courts. Difficulties and obstructions would rise at every step. First there were the Assemblies, above dictation, but not above blunders, and with their hearts not in their work:—They were to frame the law. Then there were the attorneys, managers, overseers, and book-keepers, interested in every way,—by old prejudices, by fresh mortifications, by the thirst of gain—in trenching upon the new rights of the negro, and defeating the law framed for his protection:—they were to be kept from encroaching. Next there were the negroes themselves, with all the taint of their former condition upon them,—suspicious, cunning, deceitful, ignorant, callous to shame, and too much used to the lash to be reclaimable by light correction:—They were to be made to work their forty-five hours weekly. Then again there were the special magistrates, a miscellaneous body with heavy duties and light pay; called suddenly to a most critical and laborious office, with no precedents to guide them; unpractised in the kind of duty, and exposed to a variety of vexations and obstructions in the performance of it:—They were to administer the law. Lastly, there were the colonial courts, filled by persons deeply interested in West Indian property, swelling with West Indian prejudices, exasperated against the special magistrates as being trusted with an authority from which their own class was jealously excluded:—In cases of appeal or prosecution they were to interpret the law.

Here were traces of slavery which it was beyond the power of

Parliament to abolish. The natural effects of these it was impossible altogether to escape or overcome. That in many individual instances the negroes would not be perfectly protected against hardship, oppression, or cruelty, and that their duties could not be always enforced without a degree of severity shocking to those who measure severity by an English standard, might as surely have been predicted before-hand as it is loudly proclaimed now; and might be better used as an argument for immediately setting about the abolition of slavery wherever it exists, than as a proof that the measure adopted with that view in this instance has not worked well.

We have dwelt on this part of the subject longer than we should have done—longer perhaps than our limits justify—because we perceive that some persons have conceived great disappointment and indignation at finding that the negroes are still liable to frauds and injuries;—are still exposed to some hardships, and may still, in case of misbehaviour, be flogged or sent to the tread-mill. And this unreasonable disappointment we believe to have arisen simply from their not adverting to the inevitable conditions of the case. It is not that they have neglected to make honest enquiries; nor that in pursuing them they have indulged in a partial credulity; still less that they have endeavoured to miscolour the facts; but simply that it has never occurred to them to view the subject in this its proper and natural light.

Assuming, then, that we are not to look for results *purely* satisfactory, but only for successive states of improvement, and a new condition of society good only as compared with that which went before, we shall now proceed to trace briefly the stages of this great progress. Brief our statement must be; and more of it than we could wish must rest, we fear, upon our own credit; for to produce all the evidence from which we have drawn our conclusions, and guard it with the necessary qualifications, explanations, and discussions, would require such another volume as those in which it is contained.

In this enquiry we shall confine ourselves chiefly to Jamaica; partly because it is the most important of all our West Indian colonies in extent and population; partly because it is probably the *least* favourable instance—as the one in which public opinion is in the most diseased state, in which faction is most rife and virulent, in which the whites and blacks were on the worst terms to begin with—the slaves most inflamed with discontent, and the masters (as shown in 1831) most prone to reckless acts of oppression—in which the superintendence of the governor, by reason of the multitude of duties and the extent of surface, was likely to be least effectual; and in which (we must add) the law itself, which

was permitted to take effect, was the least adequate for its purposes ; but chiefly because we have fuller and completer information about this than about any of the other colonies. It is, in fact, the only one concerning the state of which all parties have had an opportunity of giving evidence, and the evidence of each has been submitted to a rigid cross-examination. In relation to Jamaica, we have, in the first place, Lord Sligo's *Despatches*,—showing proof of unwearied vigilance which avoids no labour and blinks no difficulty,—written in a tone of frank and careless candour, the sincerity of which it is impossible for a moment to doubt,—clearly and faithfully reflecting all his impressions with regard to the internal state of the island from the very beginning, each as it arose in his mind, and (which is of great importance) reflecting his confused and half-formed impressions not less faithfully than his deliberate and grounded conclusions. In the second place, we have a multitude of *Reports* from the special magistrates, weekly, monthly, and quarterly, fresh as they were written, and evidently representing what they thought, saw, and did;—their value of course varying with the various powers of thinking, seeing, and acting, with which the writers were gifted. Lastly, we have the *Evidence* published by the Apprenticeship Committee of the House of Commons, before which a variety of witnesses were examined, comprising representatives of each interest concerned, from Mr Beaumont, the hot and hotly persecuted Jamaica abolitionist, to Mr Burge, the professional advocate of the slave-owners. And thus we have altogether a body of various and conflicting evidence, from which the true state of the case, in its main features, may be faithfully enough inferred by any one who really desires to find it.

With respect to the progress of the measure in the remaining colonies, our information is much less ample. But, judging by the broad results, we should infer that the general success has been of the same kind, and the general movement in the same direction ; though more or less smooth and rapid according to accidental circumstances ; and, upon the whole, that the conclusions suggested by the case of Jamaica may be transferred to the others without any material error.

The first announcement of the Abolition Act in Jamaica seems to have produced nothing of great note. The dismay spread by Lord Stanley's original Resolutions of the 14th of May, in which the only compensation proposed was a loan of fifteen millions, had been allayed by the grant of twenty millions, which was announced about a month after. And when, on the 6th of October, Lord Mulgrave, in fair, firm words, commended the measure to the attention of the assembled legislature, as a

thing that was to be ;—reminding them of the danger of delay and agitation, and cheering them with the promise of better times to come, and ‘ the prolific expansion of hitherto unexplored resources ;’—they seem to have received the message with a kind of sullen tranquillity. They were willing that it should be so ; they had never advocated slavery as a good thing in itself, but only as a thing profitable to them ; no Englishman could desire the improvement of the negro population more sincerely than they,—let but the proof of this cost them nothing, and they would be proud to prove it ; they would do their best to secure all the good that could, to avert all the evil that might, arise from an experiment in legislation, of which the history of the world furnished no parallel ; nor were they without hope, so ably had Lord Mulgrave disposed the forces at his command, that the island might, after all, be preserved in peace ;—that the perilous condition of the colony would ever settle into permanent prosperity, they were less sanguine—but at that also, should the period ever arrive, they would be ready to rejoice.*

To the work, however, which was assigned them, they applied in earnest ; and by the middle of December an Auxiliary Act had passed through all its stages, and was sent home for Lord Stanley’s approval. Lord Stanley had promised to construe any such act candidly and liberally, according to the desire rather than the performance ; and most liberally did he redeem his pledge. The Act in question was in its supplemental parts extremely deficient, as he seems to have perceived ; though we cannot think that he perceived the whole length and breadth of the deficiency. Many necessary clauses were omitted, some objectionable ones inserted, from which much inconvenience has been already felt, and more is to be felt yet. The offences which might be committed by apprenticed labourers, and the penalties attached to them, were very loosely defined ; the obligations of the master towards the apprentice more loosely still. The supplies of food, clothing, medicine, &c., were not defined at all—they were to be ‘ customary’ or ‘ sufficient’—and how much was to be considered ‘ sufficient’ was left to the decision of the parish vestry ; that is, of the masters themselves. No security was taken against the use of improper whips, or improper places of confinement. Worst of all, one mode of arbitrary punishment, and that no light one, was still left in the masters’ hands. If he had a complaint against an apprentice, and the special magistrate were not by, he might order

* See Parliamentary Papers, I. p. 26. It is proper to state that we give the *meaning* only, not the *words*, of the address.

him into confinement till the magistrate could be sent for ; provided only that the complaint was to be preferred when he did come, and that if he did not come within twenty-four hours the apprentice was to be released. The pretext for this clause was safe custody—a thing not wanted in one case out of a hundred—but its practical operation would obviously be to leave a punishment of undefined severity in the hands of the master ; with no better security against the abuse of it than a small fine in case the complaint should be adjudged frivolous. Moreover, the Act contained no adequate provision for determining the *class* to which each apprentice belonged ; and the regulations for compulsory manumissions were in many material points defective. Some other objections, of less practical importance, we pass over ; but Mr Jeremie has made the worst of them, in his evidence before the Apprenticeship Committee, which the curious may consult.

All these defects were, however, regarded by Lord Stanley (perhaps justly enough) as oversights, rather than intentional departures from the spirit of the British Act ;—as entitled, therefore, to the promised indulgence. Accordingly, while he drew the attention of the legislature to several of them as requiring amendment, he at the same time declared that the Act was ‘adequate and satisfactory ;’ and that Jamaica was entitled to her share of the compensation ; in the romantic assurance that they would appreciate and respond to a style of dealing so ‘frank and unreserved,’ and would make their Act *really* ‘adequate and satisfactory,’ not for money but for love.*

This, it seems to us, was a mistake ; and, to say the truth, it is much easier to understand and sympathize with the feelings under which Lord Stanley acted, than to justify his yielding to them. We cannot but think that, instead of encouraging the Assembly, and indulging his own courteous impulses with promises of liberal dealing, and constructions of law according to the presumed intention rather than the actual effect, he would have done better had he reminded them that all liberal dealing was forbidden him by the public duty he was charged with ; that he was bound to the most jealous and rigid construction of all their enactments ; that the intentions of one Assembly were no security for the intentions of another ; and that even if they were, the construction which the law would bear in Courts of Justice had nothing to do with the construction which its makers intended it to bear. Neither was the promptitude of the Assembly, however laudable in itself, and however beneficial as an example, in passing their imperfect

* Parliamentary Papers, I., p. 33.

law, any good reason for granting them this indulgence.* If the promptitude was catching, so was the imperfection. If speedy legislation in one colony was likely to speed legislation in others, it should have been remembered that one imperfect Act approved was likely to entail its imperfections on the rest. Whatever was accepted as adequate in the first, could not be rejected as inadequate in those which followed. Neither can the event be pleaded in justification. If it was an error at all, it has certainly not proved a lucky one. To this original mistake most of the imperfections which we shall have to notice in the working of the new system may be distinctly traced. Of the very inconsiderable portion of truth which, by the admixture of some unnamed ingredient, has on certain recent occasions made itself appear so terrible; which has filled the capacious lungs of Mr O'Connell, expanded to the full dimensions of Exeter Hall, and after forcing conviction like a shock through a thousand hearts, has been condensed into six columns of the *Times*;—of the very inconsiderable number of facts which were swelled into so considerable a manifestation, we believe that the greater number would never have happened, if all the objectionable provisions in the first Jamaica Act had been resisted as they ought to have been, and the compensation withheld until every defect, whether in design or execution, had been removed,—until really adequate and satisfactory provision had been made for giving effect to the British Act.

However, the deed was done—the money was paid. Thenceforth, whatever amendments the Assembly might think it right in delicacy to pass, must in prudence be accepted, as so much better than nothing.

Mean-time, Lord Mulgrave prorogued the Assembly, in a speech of just congratulation, in which they could hardly join, mixed with good advice, which they do not seem to have generally followed; and the members returned home to assist in allaying any excitement or misapprehensions which the agitation of the great news might have excited among their slaves, and which might possibly break out during the license and relaxed discipline of the Christmas holidays in some disturbance. At the same time the number of troops was doubled; the militia was warned to be in immediate readiness; and Lord Mulgrave himself went round the island diffusing confidence and tranquillity. But there was nothing to fear,—the news had only excited in the negroes a greater content, cheerfulness, and alacrity.

The preparations for the 1st of August went on slowly. Spe-

* Parliamentary Papers, I., p. 29–36.

cial magistrates began to arrive by twos and threes—here and there a planter might be seen modifying his system and sloping the way to the change—and measures were in progress for the organization of an efficient police: in the midst of which Lord Mulgrave quitted the government on account of failing health. He was succeeded in March by Lord Sligo, himself an owner of property in Jamaica, and at one time, we believe, an opponent of emancipation; but really a noble Lord; humane and earnest in his purposes—clear and frank in his dealings; teeming with unwearied activities; plunging boldly into the middle of all businesses in the confidence of a just intention, and writing like a man. The interval between his arrival and the 1st of August seems to have passed in enquiries and observations, in tours of inspection, in distributing proclamations to be read among the slaves, in receiving, disposing, and instructing the special magistrates. On the 26th of June the Assembly met again, and having passed the Police bill, proceeded to take into consideration the suggested amendments in the Abolition Act. Several of them they adopted in a new act passed on the 4th of July; taking care, however (with a caution which Lord Stanley had probably not permitted himself* to anticipate), that it should expire at the end of 1835. This Act Lord Aberdeen accepted† as a satisfactory compliance with Lord Stanley's suggestions—as indeed what else could he do?—objecting only to the period of its expiration, which he left them to alter if they would.

Thus the time wore on to the 1st of August—the eventful day, big with the fate of planters and their prophecies, which was to settle the long disputed question, *whether the driver's whip could indeed be laid down without blood*. Here is Lord Sligo's Report, written on the 13th:

‘ In all parts of the island, with the exception alone of Saint Ann's parish, the transition from slavery to apprenticeship has been effected in the most satisfactory manner. It is a remarkable feature in the progress of that transition, that the 1st of August was devoted in most parts of the island to devotional exercises. In the sectarian chapels the service was performed several times in the course of the day. In fact, as long as a fresh succession of auditors presented themselves. It has been generally remarked, that hardly a drunken man was seen in the streets on that day; the Saturday was divided between business and pleasure; they were fully aware that the next day's market would be abolished, and in consequence of this, being an holiday besides, the markets on that day have been remarked every where to have been unusually large. To-

* Parliamentary Papers, I., p. 36.

† Ibid. p. 44.

wards evening the streets were crowded with parties of John-Canoe Men and their usual noisy accompaniments. At night in some of the towns there were fancy balls, in which the authorities of the island, past and present, were represented. Several individuals in the towns had given dinners to their new apprentices on the previous day, and on very many of the estates steers were killed by the proprietors and given to the negroes, besides their usual holiday allowances of sugar, rum, and salt-fish; so that both in the country and the towns the apprentices had their due share of amusements. On Sunday, the places of worship were again unusually crowded, and the day passed over in the most orderly and quiet manner. My reports from all parts of the island, with the exception of St Ann's alone, state that on Monday the apprentices turned out to their work with even more than usual readiness, in some places with alacrity, and all with good humour.—P. 44.

It appeared afterwards that, in four or five parishes, some petty disturbances had taken place, owing chiefly to the indiscretion of overseers and managers, who had withdrawn the nurses and field-cooks, had stopped the paths leading from the negro huts to their provision grounds, or had refused to the mothers the time necessary for suckling their children; * but all of these had been easily quelled. In one instance, there had been an obstinate *strike* of work, which was not overcome without some severe punishments, and some show of military force. In another, an attempt was made to rescue some apprentices from punishment, and, in the confusion, a trash-house was set on fire; but it was found that only two men had been concerned in it, and order was very soon restored, without resorting to any farther severity.† The rest of the island appears to have been perfectly tranquil, and so the terror of that day passed by. *The driver's whip had been resigned to the magistrate; sudden destruction had not come to man or beast.*

But though a negro could be quiet without whipping, it did not follow that he would work. All practical men knew that he would not; and now the time was come to prove it. August, September, October passed on, and the new system was still struggling doubtfully. It had not yet got under way. The practical men sate inactive,—waiting for the fulfilment of their prediction. The number of special magistrates was insufficient. The cane-pieces were growing foul. Crop time was approaching; and how was the crop to be taken off? All parties agreed that, in the 45 hours a-week allowed by law, it could not be done; and Reports were coming in to Lord Sligo from all quarters,

* Parliamentary Papers, p. 45.

† Ib. I. p. 47.

that 'the apprentices were most unwilling to work for hire.'* It was time for the Assembly to interfere: a case could now be made out against the new system.† Three committees were appointed to enquire how it was working, and how it could be made to work better. The greater part of November was spent in taking the opinions of practical men. Thirty-two persons connected with the management of sugar estates were examined; of these twenty-seven agreed that the system was working ill, and anticipated a ruinous deficiency of produce;—nine of them estimating the probable falling off at not less than one-half; twelve at not less than one-third; a twenty-eighth thought the system was working pretty well, and the produce would not fall off more than one-fourth. The remaining four reported favourably, and anticipated no great difference.‡ On the 13th of November, the first of these committees arrived at the following conclusion,—not an unimportant one in the history of West Indian prophecy:

'That the new system is not succeeding; that forty and a half hours of labour in the week are inadequate to enable the cultivation of the country to be continued; that the negroes are performing no fair proportion of work, even during that limited number of hours, and that during their own time very few of them will work for such rate of wages as sugar cultivation can afford to pay; that idleness and contempt of authority are daily becoming more apparent and alarming; that the pimento crop, the only article that has come to maturity since the 1st of August, has been, to a great extent, lost to the proprietors, from the impossibility of getting it gathered in; that the coffee crop, now commencing, is likely to share a similar fate; and that the prospect to the proprietors of sugar estates is still more desperate, *in the certainty that their canes must rot upon the ground*, from the absolute impossibility of manufacturing the juice into sugar during the limited number of hours which the factories can be kept in operation.'—P. 49.

Divers recommendations followed; and the Report having been discussed in the Council and Assembly, was forwarded to Lord Sligo on the 26th of November, with an Address, requesting him, as the only chance of averting all this ruin, to invest forthwith a sufficient number of local magistrates with the special commission. He replied, that he could not do that, but that more special magistrates were already on their way from England; that he would make the system work well enough if they would but lend him their hearty co-operation; and that, if they would not, they must take the consequences themselves.§

* Parliamentary Papers, I. p. 48. † P. 49. ‡ Pp. 75, 108.
§ P. 49.

In the mean-time, the special magistrates had not been idle. While the Assembly was busy in proving that the system worked ill, they were occupied in making it work well; and by the time that the Assembly had got all their proofs in order, the case was altogether altered. The jealousies and misapprehensions which clouded the minds of the apprentices had been cleared away. And scarcely had Lord Sligo replied to the Address when letters began to come in from all quarters, reporting that arrangements had been made for taking off the crops, with every prospect of success; and that there was no difficulty in inducing the negroes to do extra work for such wages as the estates might very well afford. On the 9th of December he writes:—

‘ I am happy, however, at being able in conclusion to state, that in spite of all the obstacles which I have met with, matters are, up to this date, hourly coming into a more healthy state. The masters are becoming more reconciled to the new system, and the apprentices more reasonable. The consequence is, that the negroes are falling by degrees into a steady system, advantageous alike to themselves and the proprietors. I cannot help thinking that the managers will now, when the important season of crop is arrived, feel that their interests are too important to be trifled with; that ruin must follow their want of success; that all chance of recovering their lost power of punishment is passed by; will really co-operate, and each in their own interior adopt their only resource, a humane but energetic system, which will produce the best effects on the minds of the apprentices. In that confidence, I look now with much less apprehension on the result of the present crop, than I did some few weeks ago, although I have no certainty on the subject.

‘ I have not the slightest apprehension of any disturbance at Christmas; but at the same time I think it expedient to send out the usual detachments, which will move on the 17th, and, I trust, return home on the 10th January. I do hope that after this occasion there will no longer be found any necessity for the adoption of this expensive measure.’—P. 63.

The new system was now fairly under way. Each succeeding report was more favourable than its forerunner. The planters were growing daily more reconciled; all alarms of disturbance and insurrection had vanished; and doubts began to arise whether, after all, the canes would really rot in the ground. The Christmas holidays came, were spent merrily, and passed off quietly; the negroes returned cheerfully to their work. On the 1st of January, Lord Sligo sent extracts from all the letters which he had received on the subject,—showing that all over the island they were behaving as well as need be. The rest of that month and the next was occupied in receiving more Reports to the same effect. ‘ On all the estates, where hard labour had ‘ gone on for two or three weeks, and *wages were regularly*

'paid on Saturday night, any extent of work might be performed' *

Thus the first chapter of the experiment was closing, to the surprise of *practical men*. But one thing was yet wanting to wind it up; to clench the conclusions which it pointed at; and finally to dismiss into oblivion the Evidence, the Report, and the Recommendations of the November committee. The special magistrates had indeed *said* that the crop could be taken off; but they might be partial, or ignorant; whatever they might know of the new negro character, they knew nothing about the raising of sugar; what had been *done*? This last refuge of destitute discontent Lord Sligo, who shuns no enquiry, and fears the face of no fact in the world, determined to overthrow. He called for as many returns as could be procured from the managers, of the quantity of sugar which had been actually made up to the latest period, as compared with the quantity made up to a corresponding period the year before. These returns may be found at pages 20 and 36 of the second part of the Parliamentary papers, in the state in which he received them. The result may be best seen in the following summary, which we have made by our own private arithmetic.

Summary of Returns showing the number of hogsheads of sugar made on several estates in Jamaica up to the 28th of February, 1834, and up to the same date 1835; amounting to something less than one-fifth of the whole.

Parishes.	1834.	1835.	Increase.	Decrease.	Per Cent.	
St Andrews, .	357	318		39	10.9	
St Catherine, .	25	18		7	28	
Clarendon, .	854	849		5	0.5	
St David's, .	551	377		174	31.5	
St Dorothy's .	184	248	64		3.4	Incr.
St George's .	12	17	5		41.6	do.
Hanover, .	774	616		158	20.3	
St James's .	1861	1332		529	38.4	
St John's .	118	128	10		8.4	do.
St Mary's .	204	147		57	27.9	
St Thomas in East,	1851	1602		249	13.3	
St Thomas in Vale,	376	305		71	18.8	
Trelawney,	1660	1572		88	5.3	
Vere, .	1066	1171	105		9.8	
Westmoreland,	5820	5051		769	13.2	do.
Totals,	15713	13751	184	2146	12.5	Dec.

* Parliamentary Papers, p. 115.

Thus we see, that at the end of February, the produce had fallen below that of the preceding year by not more than twelve per cent ; though, only three months before, a falling off of at least thirty-three per cent had been confidently predicted by twenty-seven planters out of thirty-two ! And this comparatively trifling deficiency was afterwards reduced by about a third. The whole crop of 1835 fell below that of 1834 by about 8.5 per cent.

It was now therefore clear, even to experienced persons, that the crop then on the ground would be got off, and got off without difficulty or ruinous expense. Thus far the visionaries had proved the truer prophets. The predictions of the November committee might be put by. All alarms on that score fled from the minds of men, and took refuge in the Newspapers—the last refuge which false things find on earth before they take their final departure to the place appointed for them.

But what matter ? Experience was not yet exhausted ; other predictions might yet be made. The negroes might work in taking off the crop ; it was a kind of work which they had always liked.* But would they work in digging the ground ? Experience answered no. Ruin, then, would come in 1836 instead of 1835. In a Memorial, drawn up in May, 1835, by the proprietors, planters, and other persons connected with the management of plantations in Trelawney, this new prophecy found fit utterance. The Memorial showed that the apprenticeship system ‘ had, after nine months’ trial, confirmed the anticipations of all ‘ practical men of its ruinous consequences ;’ the present sugar crop, for want of the requisite labour, did not promise to be ‘ even ‘ an average one ;’ such as it was, it had been purchased at the expense of the necessary preparations for the next ; the falling off next year would be more serious, the year after more serious still, and so on till the system terminated in the gradual throwing up of sugar estates ; thus, ‘ they had the miserable prospect ‘ before them, that in a short period the cultivation of the staple ‘ productions in the island must cease :’ the only chance left was a large emigration of whites at the expense of the mother country.†

This Memorial was signed by seventy-three persons, and, at their request, was immediately forwarded by Lord Sligo to the Secretary of State. Close upon its heels followed letters from each of the special magistrates, whose districts lay in that parish, written of their own accord,‡ denying, on the authority of the overseers themselves, that the statements were true as regarded that immediate neighbourhood ; || and, about a month afterwards,

* See the evidence given before the Committee of 1832.

† Parliamentary Papers, II. p. 44. ‡ P. 215. || P. 45-47.

came a host of Reports from all parts of the island relative to the state of cultivation and the prospects of next year's crop ;*—the sum of which was, that on 224 out of 762 estates, the cultivation was, from various causes, more or less backward ; a result more favourable than Lord Sligo had anticipated, and readily enough accounted for without adopting the conclusion of that melancholy Memorial.

But crop was now over, or nearly so ; and this last best prediction was coming, like its predecessors, to the proof. That it was not confirmed by the event, does not appear to have been the fault of the planters. The interval, which was yet theirs, seems to have been used in a strange manner—used in devising new modes of vexation, in reviving a system of oppression not the less odious because it was now altogether ineffectual,—in spreading discontent and distrust all round them. Before the last crop commenced they had done simply nothing ; when it came on, and they found that ‘ their interests were not to be trifled with,’ they had adopted a more liberal and conciliatory system with complete success ; but now that the pressure and alarm were over, their hearts were hardened, and they would fain recover what they had lost. Such instruments of arbitrary annoyance as were still unhappily within their reach, they eagerly grasped at. Indulgences, which custom had made necessities, were withdrawn, or extra labour exacted in return for them. Old and feeble persons, mothers of many children,—‘ sitting down people,’ as they were called,—were employed in labours which the customs of slavery had spared them. Women in the latter stages of pregnancy, or soon after confinement, were ordered to work in the field. The ‘ eight hour system ’ †—an arrangement, of which the object, and apparently the only object, was to deprive the negroes of their half holiday on Friday—was generally adopted. Though it was visibly spreading discontent all over the island, it became so favourite an object with many of the planters, that meetings were got up in various places to bring it into fashion, and remonstrances only made them the more determined to have their way. ‡

By such devices as these, a considerable number of the plan-

* Parliamentary Papers, 224—239, 270.

† The system under which the apprenticed labourers were made to work eight hours for the first five days in the week ; instead of nine for the first four, and four and a half on the fifth. The law admitted either arrangement.

‡ See Mr Bravo's Letter, III. p. 87.

ters seem to have hoped, in spite of all reason and all experience,—experience so plentiful that it might be had for the picking up,—to make the negroes work freely in the kind of work which was least agreeable to them. That there was much positive cruelty in their proceedings,—that in physical comfort, indeed, the negroes were much the worse for them,—we see no reason to believe. But morally and politically, the effect must have been extremely bad; worse, probably, than the planters themselves can be made to understand. It was a most false step at a most critical conjuncture. How many hearts willing and ready to learn that a master might be a friend,—how many confiding dispositions then timidly venturing forth—shrunk back corrected by those most foolish proceedings, and relapsed into their former not unreasonable jealousy, must be for ever left to conjecture.

With all these exertions, however, they did not succeed in bringing to pass the evils which they had predicted. From this time Lord Sligo's Despatches come thicker and thicker. The special magistrates' Reports grow longer and more numerous. Every successive packet brings in a cloud of anecdotes, facts, opinions, and anticipations, of various tendency, credibility, and weight; but carrying with them altogether indubitable evidence of a general advance on the part of the negroes both forwards and upwards;—offences less frequent; their new position and obligations better understood; instances of mutual confidence more common; marriages coming into fashion; more wages paid; more work done; cultivation recovering its proper forwardness, in some instances extending itself; the digging of cane holes becoming the favourite, because the most profitable, kind of work; * here and there a plough taking place of the hoe gang—it being found 'that even negroes could guide and manage' it; that they could see straight enough; which till of late seems 'to have been generally disbelieved; †—in a word, the last best prediction of the *practical men* not coming true.‡ The Tre-lawney Memorialists may cheer up. Their Memorial may be put by.

* Mr Pryce's Letter, III. p. 374.

† Mr Daughtry's Letter, II. p. 264.

‡ It is of course impossible to make distinct references in support of a general statement like this. The better, however, to assure ourselves that it is the result of no vague impression made up of what is most agreeable in the evidence, but of a fair judgment upon the whole, we have thought it worth while carefully to analyze the entire series of Reports for October, 1835, and we have noted the following conclusions, as distinctly deducible from them :—

From this time to the end of June, when the correspondence terminates, the tenor of these Reports continues much the same, so far as the general working of the Apprenticeship is concerned. Crimes continued to grow less frequent; complaints between master and apprentice fewer; corporal punishment was more rarely inflicted. In the early part of December 'an extraordinary revolution all over the island'* was announced by Lord Sligo in the feeling between master and apprentice. The planters 'appeared to be aware of the perilous consequences of

1. Throughout the island, without exception, the apprentices showed no disposition to be insubordinate as a body.

2. In every district, without exception, they are represented as improving.

3. In every district except two (Jones and Harris, St Thomas in the Vale), in which they are described as sullen and obstinate, their behaviour to their masters was proper and respectful.

4. In every district except six (Hulme, Hanover; Jones and Harris, St Thomas in the Vale; Dawson, Willis, and T. Baines, St Thomas in the East), they were doing a fair proportion of work in their masters' time.

5. During crop they had in almost every instance laboured in their own time for wages willingly and well.

6. Both in and out of crop, where high enough wages were offered (*i. e.*, more than they could make by working on their own grounds), they were in the great majority of cases willing to work for hire.

7. During the hours of labour they were doing at least as much work as they did during slavery—generally much more.

8. In working by the task, they had in all cases shown unusual energy and activity.

9. Of the six properties on which the apprentices were described as not doing their fair work, there was only one on which the cultivation was said to be backward, or the prospect of the ensuing crop unpromising. Wherever else the cultivation was backward, it was ascribed to weather, mismanagement, scarcity of hands, or other causes; but *not to any misconduct on the part of the negroes.*

10. In the cultivation of sugar, much labour and expense might be saved by using the plough. Where it had been tried, it had been perfectly successful.

11. The planters themselves were beginning to be of opinion, that during the apprenticeship the staple articles might still be successfully cultivated. This appeared, in some cases, by their own confession;—in others, by their more extensive preparations for ensuing crops.

12. In general a better feeling was growing up between master and apprentice.

13. Crimes of a serious kind were rare.

* P. 150.

'harshness. And (with a few obstinate exceptions) a totally different manner of treatment had been adopted, which promised the happiest results.*' It was observed also that the Christmas holidays had passed over more rationally than was ever before known; that there had been less 'John Canoeing' than usual; and that Christmas-day and Sunday had been spent in a remarkably serious manner. In the mean-time, the cry of ruin was no longer heard. Silence, more significant than speech, had fallen upon the planting interest. A severe drought during October and November had blighted the promise of the ensuing crop; heavy rains during the following summer had retarded the gathering; it was the shortest that had been for many years; yet the planters did not despair. Their hopes had risen with the price of sugar. Ruin was not to come till 1840 at least. Instead of preparing themselves for 'the gradual throwing up of sugar estates,' they began to enlarge their cane-pieces; to pay higher wages; in many instances to restore old indulgences which had been withdrawn; and, in short, to bid boldly for their share in the *expected profits of the apprenticeship*.

The foregoing pages contain, we believe, a fair picture of the progress of the Apprenticeship in Jamaica, in its broad and general features. For the truth of it, we appeal with confidence to the testimony of the special magistrates;—a confidence not shaken by the scorn with which some persons—who would be thought to know what they are speaking of—have set aside that testimony as worthless. We are not unaware of the light in which these gentlemen have been held up in pamphlets and at public meetings; nor of the plausibility of the arguments and anecdotes which have been advanced in illustration. Stories have been told, many of which we can well believe to be true, of secret oppressions passing undetected by them, or detected too late for redress; of piteous tales summarily set aside as frivolous; of lashes inflicted for offences apparently slight; of stinted allowances, and medical neglect; of pieces of plate presented by the planters to magistrates dismissed for misconduct. Stories like these, told confidently one after another, without any allusion to the countless stories of exactly opposite tendency which *might* be told, will naturally make a deep impression on persons, unprepared by an acquaintance with the whole matter, to assign to them their proper place and *comparative* importance. They may even seem to countenance the opinion that the special magistrates are the mere agents of the overseers and managers; and

* Parliamentary Papers, p. 161.

their reports worthless, as excluding every thing which is either disagreeable to the planters or discreditable to themselves. We, however, who have been led, in pursuit of the truth, to peruse the Reports in question—stretching as they do over many scores of closely-printed folio pages,—to read them all through, and to scrutinize many of them very closely,—*are bound to say that the opinion is most unjust and injurious, and altogether destitute of plausibility.* We will venture to add, that no reasonable person who has read any considerable proportion of the Reports contained in these volumes, can believe it to be true. There is nothing for which these compositions are more remarkable than the distinct impress which they bear of the temper and spirit in which they are written. We almost feel personally acquainted with the greater number of the writers. We could almost point out by their styles the good, the bad, and the indifferent. One writes himself down a feeble magistrate; another harsh; another careless; another pompous. One or two we place no faith in; and there are a few who give us little or no information. But taking them as a miscellaneous body of men,—who have to ride two or three hundred miles and dispose of five or six hundred complaints every month, and to receive only L.450 a-year,—we must say that they have discharged their most important, but at the same time most difficult, laborious, harassing, and thankless duties, *with a degree of zeal, ability, and integrity which deserves some other reward than these idle aspersions.* That they have not succeeded in protecting all apprentices against all injustice, is most true. That they have not even detected all the injuries to which the apprentices have been exposed, is most probable. That where they have detected the injury, they have in some cases been unable to afford redress, we are not prepared to deny. But, that complaints have been preferred and not listened to—abuses and oppressions detected and passed over—injuries proved and not redressed, so far as redress was practicable—we have yet to learn. That such things have happened in any considerable number of instances we should find it very hard to believe; and, to say the truth, we could well wish that those who are so dissatisfied with the measure of justice which the negroes obtain under the Apprenticeship system, would suggest the means of securing for them as fair a measure when the Apprenticeship shall be over. As far as we can make out, the worst injuries to which the apprentices are exposed, have been inflicted by the overseers and managers; acquiesced in by the local justices; brought to light by the special magistrates; prosecuted by the Attorney-General; and finally secured from punishment by the Grand Jury throw-

ing out the bill.* We fear that all this indicates an inveterate disease which will hardly yield to the simple specific proposed by Mr Beaumont—an extension to them of the elective franchise.† Elect who will, be returned who may, summary justice there must still be; and it will be but Jamaica justice when all is done.

What, then, after all, has been the effect of the change upon the interests of the two parties more immediately concerned—the Planters and the Apprentices?

That the effect upon the planters has been less injurious than they expected, will hardly be denied. Ruin was to have met them at every step. First, the negroes would never be restrained from violence; then they would never be compelled to work without the driver and his whip; then they would never do extra work in crop-time for wages; then they would never do extra work out of crop-time for wages, and so on. All these fears are blown away. It is quite clear that the planters are not yet ruined. But there is yet room for one fear more. Though they can get as much labour as they want, it does not follow that they can afford to pay for it. Though sugar cultivation be carried on, it may be carried on at a loss, or at a profit so much reduced, that the planter may have a right to complain.

Let us now enquire how the matter really stands. Unfortunately, our information on this head is very partial and incomplete. The few cases, however, on which we have sufficient data for comparing the present with the former profits of sugar estates will, perhaps, if rightly weighed, justify a pretty large conjecture as to the rest. Or, though they may not help us to a knowledge of the profits which have been actually made by the Jamaica proprietors since the apprenticeship began, they will at least enable us to judge with some accuracy what might have been made by a judicious management.

It must be remembered, that besides the gratuitous labour of each apprentice for forty hours and a half during the week, which the proprietor still retains, he has received, in compensation for what was taken away, a sum of money, of which the annual interest amounts, in Jamaica, to about L.1 sterling for each apprentice.‡ This he may do what he likes with. He

* See 'Correspondence relative to maltreatment of prisoners in the House of Correction,' &c. Printed for the House of Lords, 15th July, 1837.

† See Evidence taken before the Apprenticeship Committee, 4294, *seq.*

‡ See Mr Shirley's evidence before the Apprentice Committee, 5050, *seq.*

may throw it into the Thames or the Mersey in disgust; he may keep it in a napkin, to show how much less it is than what he has lost by the diminished produce of his estates; he may place it in the funds, as so much saved from the wreck; he may invest it in land or railroad shares at home, or send it abroad on other adventures. But unless he spends it upon his estates in Jamaica, he has no right to complain that the produce of those estates is falling off.

Now, though we know how much sugar has been annually made by the apprentices, at what prices it has sold, and what is the amount of compensation, we cannot ascertain generally what has been the additional cost of production. We cannot therefore represent in figures how much the Jamaica proprietors have gained or lost by the change; or how much of the diminution of produce is to be charged upon themselves, as not having laid out in wages all the money which was given them for that purpose. We have little doubt that if the truth could be known, nearly the whole deficiency of the sugar crops of 1835 and 1836 might be accounted for in this way. We believe that a very small portion of the interest of the compensation has been applied to this purpose; and that much even of that has been applied injudiciously in hiring jobbers at an enormous price, when the apprentices might have been induced to do all the work that was wanted by a comparatively trifling advance in the rate of wages. This, however, without having access to the estates' books, we cannot prove. We can only prove that the evidence we have, so far as it goes, points that way.

This evidence was given before the Apprenticeship Committee, in 1836, by four different planters, all sensible and liberal men, each of whom adopted a different style of management with answerable results.

First, there was Mr Maurice Jones, with about 6000 negroes under his management,* who set out with an unfavourable opinion of the Apprenticeship, which has not been altogether removed, and is now anxious (solely, he says, in consequence of the abolition of slavery) to separate himself altogether from Jamaica.† This gentleman began by assuming that sufficient labour to keep up his former cultivation would not be procurable, and at once threw up one-third.‡ He did not, however, reduce his former expenses. He continued all the old allowances and indulgences,|| and paid wages for all the extra labour

* See App. Com., 5316.

† 5369.

‡ 5489-90.

|| 5354.

which was wanted for the cultivation of the remaining two-thirds of his estates.* This extra labour cost him L.336 currency, where formerly it used to cost him only L.200.† The issue was, that two-thirds of an average crop were produced. The two estates used to produce 300 hogsheads. One-third being abandoned, they produced only 200.‡

Now, the interest of the compensation money would have enabled Mr Jones to lay out L.500 sterling in extra labour, in addition to his usual outlay; whereas he only laid out L.136 currency, or about L.80 sterling. The remaining L.420 remained idle. Had this sum been employed in cultivating the abandoned portion of the property, it is not impossible (as Mr Jones does not seem to have found any difficulty in procuring labour) that the other hundred hogsheads might have been made.

Next comes Mr Miller, who also began with a bad opinion of the Apprenticeship,§ though he now entertains a better. He had several estates under his management, and did not manage them all alike; but he has furnished full particulars of the expenses connected with one of them, which may be taken, we presume, as a fair specimen.

He also, in common with all the large attorneys, continued the old allowances and indulgences as usual,|| but abandoned no part of his cultivation. During the first four months of the Apprenticeship he paid no wages—appears, indeed, to have made no attempt to obtain extra work;¶ but in December he made arrangements for taking off the crop. The estate in question contained 320 apprentices. To these, during the eighteen weeks of crop, he paid wages for extra work at the rate of about L.13 currency a-week.** His whole additional expense, therefore, amounted to L.234 currency—about L.137 sterling; and the result was, that the produce of the estate fell off by not more than one-tenth;†† and that falling-off was owing, he says, to ‘want of labour.’

Now, supposing the interest of the compensation to have been about L.320 sterling, we find that Mr Miller could have afforded to pay L.183 sterling more than he did; and that would have enabled him to keep up the same quantity of extra labour for five or six months longer,—which labour, judiciously applied,

* 5318, 5324, 5434-6.

† 5397-8.

‡ 5383.

§ See his evidence before the Jamaica Committee of November, 1834. Parliamentary Papers, I. p. 98.

|| 3651-5.

¶ Parliamentary Papers, I. p. 98.

** 3556, seq.

†† 3591.

would have probably ensured not only an average crop that year, but adequate preparations for the next.

Next comes Mr Oldham, a proprietor and attorney, with 4000 negroes under his charge,* who entertains a favourable opinion of the Apprenticeship,† and thinks Jamaica property a good speculation.

He also continued all the usual indulgences and allowances,‡ and paid liberal wages. In return, he found no difficulty in getting as much work as he wanted,§ except on Saturdays, when he was obliged to hire jobbers.

His extra expenses amounted in twenty-two months to about L.2000 currency for wages, and about L.8000 currency paid to jobbers.||

Now, the interest of the compensation during the same period amounted to about L.10,728 currency. Nearly the whole of this, therefore, he had spent in the proper way. And what was the result? That the crops produced were about equal to those produced during slavery,¶ or rather more.**

Lastly, we come to the plan adopted by Mr Shirley, apparently the most judicious of all. It was he who gave it as his opinion,†† before the Jamaica Committee, in November, 1834, that the Apprenticeship would do very well; and was taunted‡‡ in return with his short residence in the island and his unacquaintance with the negro character.

He seems to have been almost the only proprietor whose plans extended beyond the term of Apprenticeship. Most of them seem to have thought only of getting off the current crop. Others looked forward to the year beyond, and laid out money in the necessary cultivation. Others again went farther, and, by general kindness and liberality, by promoting education, and encouraging the negroes to work for wages, endeavoured to secure their lasting confidence and good-will. But Mr Shirley alone seems to have aimed at altering and elevating their position;—at making them feel less like apprentices, and more like hired labourers;—and thus at giving them a foretaste of independence, and of that feeling of responsibility to themselves for their own actions which goes along with it.

* 4581-4.

‡ 4664-70.

|| 4802-36, 4865, 4900-17.

** Letter to Lord Sligo; Parliamentary Papers, III. p. 378.

†† Parliamentary Papers, I. p. 61.

† 4818-9.

§ 4743-8.

¶ 4812.

‡‡ *Ib.* p. 5099.

He began by explaining * to them how much labour he had a right to require from them—40½ hours weekly, at a rate of not more than nine hours a-day. This was an hour less than their accustomed day's work, and might possibly give rise to disputes. To avoid this, he proposed (it appears to us most judiciously), that they should go on as they had been used to do,—working ten hours a-day for the first four days in the week; and then, if they would agree to work the fifth day also, he would allow them for that day's work the highest wages which he could afford to pay; and this arrangement should extend to the whole gang, and continue the whole year round.† To this they assented readily; and it was settled that they were to work for him in the ordinary way for five days in the week, receiving wages every fifth day.

But this was not all. It was desirable to accustom them not only to receive wages regularly, but to look to them as a part of their ordinary means of subsistence, instead of a mere matter of extra luxury; ‡—to accustom them, in short, to labour for their daily bread. With this view, he immediately withdrew such usual supplies and allowances as he could withdraw legally; on the understanding that the value of them was to be added to their Friday's wages. By adding the sum thus saved to the interest of the compensation, he found that he could afford to pay them for their fifth day's work a sum equal to the highest sum paid to jobbers. The whole arrangement appears to have been fully understood by them, and cheerfully assented to.

In this way, having laid out the entire interest of the compensation, and the entire value of the withdrawn allowances in wages for extra work to the whole gang the whole year round, Mr Shirley found that he had made as much sugar as he could have made if slavery had been continued; § that his preparations for the succeeding crop were just as forward as usual; and, in addition to all this, that he had put his Apprentices in the fairest way to understand the duties and appreciate the position of the free labourers which they were shortly to become.

It may, perhaps, be suspected that these cases have been selected for show, out of many others which would have given a different result. This, however, is not true. These four cases are all that we have been able to find, in which particulars enough are given for comparing the present with the former position of the Jamaica proprietors. So far as they go, they appear to justify the inference, that if any planter be a loser

* Parl. Papers, 5037, seq.

† 5090, 5102, 5106.

‡ 5092.

§ 5084.

under the new system, it is only because he has not used his capital judiciously. To say positively that no instance has occurred in which the whole interest of the compensation has been laid out on the property, and yet the produce has fallen off, is of course impossible. We can only say, that, if any such case has been brought forward, we have not succeeded in discovering it.*

If our inference be correct—and we claim for it no more authority than appears in the premises—it is one of considerable importance; because we cannot find any other statistical information from which a safe conclusion can be drawn as to the prospects of the planters, and the work that may be looked for from the apprenticed labourers.

For indications of the value of Jamaica property in the market, we have searched in vain. Some large assertions have been made about it, but they appear to rest on the credit of the assertors. Captain Oldrey, in his evidence before the Apprenticeship Committee, said he could prove that it had risen from 30 to 50 per cent.† and Mr Beaumont declared that it had risen at least 25 per cent.‡ But no proof was offered in support of these opinions; and the truth seems to be, that, though notoriously more valuable than it has been, it has not yet acquired any settled price in the market; and therefore no accurate estimate of its comparative value can be formed. Some estates have been sold, others offered for sale; but they were valued according to the returns which they might be expected to make during the remaining years of the Apprenticeship, without reference to their value afterwards.§ Mr Miller|| and Mr Oldham¶ both agree that they

* A case of increase in the value of property since the Apprenticeship, is mentioned by Mr Pennel, a special justice; Par. Papers, III. p. 207. 'An estate in my district was rented at the commencement of the apprenticeship system by Mr Walcott of this parish, from Mr Lyons of London, on the following terms:—Forty hhds. to be given yearly, and every thing replaced at the end of the apprenticeship that may be deficient. I am given to understand that, for many years past, this estate has not paid one fraction to the proprietor, and that Mr Walcott has, notwithstanding, been so fortunate as to clear L.1200 on the last crop, and will probably continue to do so (if not even better) to the end of the time.'

It is to be regretted that the mode of management adopted by Mr Walcott is not mentioned. A case somewhat similar is related by Mr Innes in Antigua.

† Par. Papers, 3142.

‡ 4469.

§ See Miller's evidence, 3798, *et seq.*; and Oldham's, 4851.

|| 3728.

¶ 4845.

would not give more than four years' purchase for an estate ; though the former admits that 'it is a matter of feeling,' and that 'persons disposed to speculate might give more ;' and the latter confessedly does not share in the general anticipation of 'a total failure after 1840.'* It would appear, therefore, that the remaining term of Apprenticeship has a value in the market, though the land itself has not ; not because it is worth nothing, but because people are waiting to see what it is worth. It is clear that it is worth something, in Mr Oldham's eyes ; for he is himself a buyer ;† though he will not say, and very likely does not know, how much. In fact, from the tenor of his evidence on this subject (which is not quite consistent), it may be inferred that he has made no very definite calculations as to the probable profits of sugar cultivation in future ; but has certain general favourable anticipations which induce him to speculate in West Indian property himself ; but not to overpraise the thing which he wishes to buy. And the general result of the enquiry appears to be (as might have been anticipated), that there is nothing in the state of the market from which any inference can be drawn as to the value of property in Jamaica, one way or other. Each person must be left to form his own anticipations.

Neither does the amount of produce, actually made since the Apprenticeship began, afford a fair criterion of the state of productive industry in Jamaica. Each of the crops has been affected by a variety of accidental causes, which will account for a temporary diminution ; and by one permanent cause from which a constant diminution must always be expected and allowed for. We allude to the number of poor weak-handed estates which have hitherto been kept up in profitable cultivation, by overworking the slaves in a way which ought never to have been permitted, and therefore for the prevention of which no compensation is due ; as well as to the number of properties which have been already worked out, which are naturally producing less and less every year, and are to be considered as having already paid their owners.

Independently of this, the crop of 1835 was subject to disturbing causes in two ways. First, the amount of the crop (as observed by Mr Shirley) depends chiefly upon the quantity of plants put in, and the state of cultivation in the previous year. All that was to be done in that year, was to take off, by apprenticed labour, the crop which had been reared under the whip.

* Parl. Papers, 4837.

† See Letter to Lord Sligo, *Parliamentary Papers*, III. p. 378.

Had the crop of 1835, therefore, been a plentiful one, it would only have proved that, under the apprenticeship, a plentiful crop could be *taken off*,—not that it could be raised. As it was, it only proved that a short crop could be taken off. But then again the shortness of the crop may have been owing neither to the weather, nor to the want of work, but to the distrust of the proprietors; of whom it is probable that many, besides Mr Maurice Jones, abandoned a considerable portion of their cultivation, on the assumption that labour for getting off an average crop would not be procurable.

All that can be said is this,—that though several planters talk of the falling off of this crop as owing entirely to ‘want of labour,’ and the difficulty of obtaining extra work for hire (evidently meaning a difficulty created by the new system), it has not been stated any where, so far as our recollection serves us, that any part of the crop of 1835 was *lost* for want of labour. Nothing has been stated from which it can be inferred that—if, at the commencement of crop, the old system had been restored and the masters reinvested with all the power they ever had, and all the rest they ever wished for,—one hogshead more of sugar could have been made. Upon the whole, the only safe inference which can be drawn from the amount of produce made in 1835 appears to be this,—that the negroes had worked better than the majority of planters expected,—for that they did get off the whole crop, of which it was predicted by the Jamaica Committee that a considerable portion was to rot in the ground.

The crop of 1836, however, was raised entirely by apprentices; and it may be thought that whatever falling off there was in that, must be ascribed to the want of labour consequent upon emancipation. But here again considerable deductions must be made on account, not only of injudicious management, but of the difficulties in getting the new system under way.

1st, It was impossible to prevent many of the negroes from expecting more than they were to get. It was impossible also to inspire them at once with confidence in the fair dealing of their masters,—to whose proposals they were afraid of acceding, lest they should be falling into some trap, and committing themselves to some new mode of servitude. They feared, likewise, that the wages liberally offered would not be faithfully paid. And other misapprehensions there were which obstructed the operation of the new system;—misapprehensions very natural and reasonable;—the fruit and just recompense of the unnatural and unreasonable position in which they had been placed. These misapprehensions and jealousies were indeed rapidly removed. Being trusted, the negroes wer

not slow to trust again; being treated with consideration, they could be considerate in return; being paid for their labour, they were not unwilling to labour for pay. But, at the same time, there can be no doubt that some time was necessary to learn these lessons,—and that so much time was lost to the estate. Hence an undue proportion of the labour procurable was spent in getting off the current crop; to the neglect of the necessary preparation for the next.

2dly, Independently of the real difficulty which did at first exist in procuring labour for wages, there was a good deal of imaginary difficulty. Many of the planters made up their minds that the necessary labour was not to be obtained at all, and therefore did not take the necessary steps to obtain it. Up to November 1835, there were as many as 237 estates on which wages had not even been offered.* On many of those on which they had been offered and accepted, it was only during crop. Mr Shirley predicted a considerable falling off in the crops in Trelawney, owing entirely to this cause. (See 5086—93.) Whereas on his own estates, on which extra labour had been employed all the year round, he looked for an increase instead of a decrease in 1836. Again, of those who did offer wages out of crop, as well as during crop, many did not bid high enough. The negroes could make more than the wages by raising provisions on their own grounds. Some abandoned part of the cultivation in despair; others kept up the quantity of plant, but from want of the necessary labour (that is, from not laying out enough money in wages) neglected the cleaning.†

In March, 1835, Lord Sligo predicted a falling off generally throughout the Island from these causes;‡ and, in June 1835, he sent home a set of Reports on the actual state of cultivation in all the properties concerning which he could obtain the information. The result was, that out of 762 estates, the cultivation was more or less backward on 224.

3dly, Another cause of diminution of crop must be added, in

* Apprent. Com. App. p. 134. † Mr Shirley's Evidence, 5092.

‡ 'That the crop of next year will be somewhat deficient I have reason to fear. Such has been the dread of not getting off this crop, that all the exertion which was formerly applied to the double object of taking the year's crop and preparing for the next year's, has been devoted to this year's service. That there may have been good and sound reasons, &c. &c., but I think the apprentice has, in most places, now acquired such an avidity for money, as to remove from my mind the apprehension that any falling off in the crop of the year after next will be experienced.'—*March 27, 1835, Parl. II. p. 19.*

which certainly the negroes are not concerned; and of which we have the following timely and emphatic notice by Lord Sligo. In a Despatch, dated 13th December, 1835, he says, ‘The communication I have to lament is the fact reported to me by almost all the special magistrates in their weekly journals, that owing to the unusual absence of the October seasons, the canes in most parts of the island have begun to arrow; the canes never grow after this has taken place, and as they were much stunted before, in consequence of the drought, I fear that the crop will be very short this year. It is, however, well that this should be known before the crop commences, in order that those who are anxious to misrepresent matters, if such there be, may not attribute to the misconduct of the apprentices what is the act of God.’*

Before, therefore, we can safely draw inferences from the amount of produce in 1836, as to the work that may be expected from the Apprentices, we must make allowance for these things:—

1. The unsettled state of their minds for the first three or four months after they were made free. Hardly any extra work was done till the beginning of December, when crop began.

2. When extra labour was procured, the absorption of the whole of it in the taking off of the crop, to the neglect of the next year’s preparations.

3. The voluntary and probably unnecessary abandonment of a considerable quantity of cultivation, in despair of obtaining extra labour to keep it up.

4. The number of exhausted properties which (slavery or no slavery) must every year yield less and less produce in proportion to the labour spent on them.

5. The number of short-handed estates which have hitherto kept up their cultivation and got off their crops by working the slaves more severely than they had any right to do.†

6. The early arrowing of the canes, which prevented that portion of the land which was still planted, and kept in good order, from yielding its fair quantity of sugar.

7. The fact that some of the produce was sent to America, and does not therefore appear in the returns of produce imported into Great Britain, from which all these calculations are taken.‡

* Parliamentary Papers, I. p. 150.

† ‘But this [diminution] may be principally owing to the short-handed estates being obliged to be thrown up, for these estates only made sugar out of the very heart’s-gore of the former slave.’—GREGG, *June 1835*, p. 241.

‡ ‘The total failure of the sugar crop in the slave states of America’

The result was, that the crop of 1836 fell below that of 1835 by about one-twelfth—below the average of 1833 and 1834 by about one-sixth—and below the average of the six years previous to emancipation by about one-fourth—a deficiency which, after making the above-mentioned allowances, will scarcely appear sufficient to justify any inference against the general prospects of the island, or the industrious dispositions of the negroes.

The produce of 1837 should have been a fairer instance. After the experience of the past year, the minds of the negroes were more settled; liberal wages were more generally offered; cultivation, which had been thrown up, was again extended; and thus the first three disadvantages, noted in the preceding list, were in great part removed. The official returns of the amount of produce imported during this year have not yet been published. It is known, however, that Jamaica has been visited during the last year with one of the severest droughts ever known; and it is understood that, owing to that cause and to it alone, the crop of 1837 is still shorter than that of 1836.

It appears then, upon the whole, that we have as yet no statistical data for an inference with regard to the future prospects of Jamaica; and that we must look for the promise of other years in the general progress and struggle from bad to good, and from good to better, which in the foregoing pages we have endeavoured to trace.

In the mean-time, we believe it will be found, that in spite of the diminution of produce, the actual income of the proprietary body has been increased and not diminished by the change;—as will appear from the following calculation, which, though not pretending to exactitude, is probably exact enough for the purpose.

For the six years immediately preceding the abolition of slavery, the average sugar crop in Jamaica was 1,362,748 cwt., and the average price about L.1, 6s. per cwt. For the years 1835 and 1836 the average crop has been 1,101,400 cwt., and the price about L.1, 17s. 7d.

Hence the value of a year's produce since the abolition would

be	.	.	.	.	.	L.2,069,794
Before	.	.	.	.	.	-1,839,779
						L.230,015

‘has raised the price here so enormously, that when estates are unembarrassed, most advantageous sales have been made in this island for the American market.’—LORD SLIGO'S *Desp.* 24th May, 1836. *Parliamentary Papers*, III., p. 375.

And thus (assuming that the additional cost of production was not more than the interest of the compensation) we have a balance in favour of the Jamaica proprietors of more than L.230,000 sterling.

Our limits forbid us to follow our enquiry through the remaining colonies. Due allowance being made for the circumstances pointed out in the first part of this article, as distinguishing the case of Jamaica from the rest, the main features of the progress seem to have been much alike in all ;—the same trifling agitations and misunderstandings at the outset, giving way with the same readiness before the friendly interference of the special magistrates or the governors, and subsiding with the same rapidity into tranquil, orderly, and not uncheerful industry. The various degrees of prosperity attained, and of ease in the attainment, may be, for the most part, accounted for by varieties of soil, climate, laws, or customs, into the consideration of which it is impossible to enter. A view of the general results in each colony (so far as the quantity of sugar made can be taken to represent them), will be found in the subjoined table. The first column gives the average proportion which the quantity of sugar annually raised bore to the numbers of the slave population, for the six years immediately preceding the abolition of slavery. It is intended as a kind of scale (a very rough one, it must be owned, but the best we have been able to invent), by which the comparative *productiveness* of the several colonies may be measured. According to this scale we arranged them, expecting to find that as in Jamaica the most niggardly management seems to have been the least prosperous, so the falling off of produce in the several colonies would bear some sort of proportion to their comparative wealth. The result has answered our expectations about as well as so rude an operation could admit ; and if some necessary qualifications and corrections were introduced, it would answer much better.*

This table does not otherwise present any result so striking as to call for explanation ; unless it be the unexampled prosperity of British Guiana ; which, under the threefold advantage of an exhaustless soil, a most intelligent and energetic governor, and *no* independent legislature, has been, from the very beginning, making uninterrupted advances in every direction.

* The points in which the test fails with regard to the thickly inhabited Barbadoes are obvious enough.

	Average proportion of sugar to population.	Average sugar crop from 1829 to 1831, in cwts.	Average sugar crop in 1835 and 1836.	Difference per cent.
Virgin Islands,* . .	3.4	17,763	13,615	23.4 dec.
Montserrat, . . .	3.5	22,835	14,206	33.4 do.
Dominica, . . .	3.8	55,539	30,113	45.7 do.
Barbadoes, . . .	4.1	343,513	359,058	4.5 inc.
Jamaica,* . . .	4.3	1,362,798	1,101,400	19.3 dec.
St Lucia,* . . .	4.9	66,828	46,413	30.5 do.
St Kitts,* . . .	5	104,809	76,015	27.4 do.
Nevis, . . .	5.7	49,647	32,180	35.1 do.
Antigua, . . .	5.9	173,947	157,149	9.6 do.
Tobago, . . .	8.1	93,157	97,450	4.5 inc.
Grenada, . . .	8.5	200,708	163,295	18.6 dec.
St Vincents,* . . .	9.6	222,732	190,770	14.3 do.
B. Guiana, . . .	10.2	874,347	1,032,342	18.0 inc.
Trinidad, . . .	13.4	310,797	300,766	3.2 dec.

Thus much for the working of the Apprenticeship as it regards the Planters. Let us now enquire how it has worked for the Negroes.

We have already explained the relief which was designed for them; the causes, inherent or accidental, which were likely to interfere with the operation of that design; and the manner in which it has in some instances been actually thwarted. We have endeavoured to represent the matter faithfully; and we do not believe that in the picture which we have drawn, we have given to the exceptions less prominence than they deserved. But for the sake of presenting, in a clearer light, the amount of benefit which the Apprenticeship, with all its restrictions, drawbacks, and inconveniences, has already conferred upon the negroes, we must briefly recur to the subject.

We shall not pause again to enquire whether a probationary term of restricted liberty was really necessary; nor to explain why it is that liberty, with every restriction, is preferable to slavery with every indulgence,—the reign of justice, however armed with terror, to the reign of terror, however administered with justice. Enough that it was so decided. A certain quantity of labour was still to be enforced by law; certain powers of coercion were still necessary to enforce it. So far the condition of the appren-

* In these colonies the crops had been gradually falling off before 1834.

tice was still to resemble that of the slave. But if the labour required of the apprentice is lighter than that exacted from the slave, and the means of enforcing it less painful or less terrible,—by so much is his condition improved, even though the moral elevation which has come to him,—the possession of duties, rights, and hopes,—be thrown aside as weightless in the scale.

Now, before the 1st of August, 1834, the great body of slaves in Jamaica were required, during seven months of the year, to work upwards of sixty hours weekly; during the remaining five, upwards of seventy. To make them work their best, the driver followed them with his cart-whip; which he used at his own and the overseer's discretion; either as a simple persuasive and stimulant to quicken their exertions; or as a summary punishment in case of negligence, insolence, or obstinacy; or as a ready instrument of passion and revenge in case of displeasure. Nor was this all. Where the whip was not terrible enough, there was the terror of the chain-gang, the chain and collar, the loathsome plantation dungeon, with its filth, darkness, solitude, and starvation. All these instruments of coercion were at the master's absolute disposal;—guarded only by some professed restrictions which notoriously came to nothing. This, then, is what slavery was,—these the alternatives to which every slave, man or woman, was daily liable to be reduced. Let us now turn to what Apprenticeship is.

In the first place, no apprentice is required to work, in or out of crop, for more than forty-five hours in the week; nor to work harder during these forty-five hours than the special magistrate, a disinterested English gentleman, shall think reasonable. In the second place, for refusing or neglecting to do such reasonable proportion of work, he cannot be punished without the express authority in writing of the special magistrate, who is sworn to use his authority justly, and liable to be deprived of it on the first proof of abuse. In the third place, even with that authority, he cannot be punished for such offence with more than twenty lashes. In the fourth place, no female apprentice can be punished with flogging at all. In the fifth place, no apprentice, male or female, can be made, for any offence whatever, to work beyond the ordinary time for more than fifteen hours during any one week; so that the full amount of labour which can be exacted as a punishment from the apprentice, is not more than the ordinary portion of the slave. In the sixth place, the worst offence which an apprentice can commit against the abolition law cannot be punished, on any authority whatever, with more than fifty lashes.

These, however, are the extreme limits of legal coercion; the

worst that an apprentice can possibly suffer. The question is what he does actually suffer, as compared with what he used to suffer in his former condition. This indeed cannot be exactly determined. How much use was made during slavery of the whip, the chain, and the dungeon, we can never know. Nor have we access to any records, though such records exist, from which the amount of punishment by imprisonment and hard labour which has been inflicted since the apprenticeship began, can be ascertained. Judging, however, from the reason of the case, and from such information as we do possess, we can have no doubt that the practical amelioration quite corresponds to the theoretical.

That the cart-whip was very freely used during slavery, may be inferred from the opinion then universal amongst slave-drivers, that nothing else could make the negroes work;—an opinion since proved to be so merely and absolutely groundless, that its prevalence can only be accounted for by supposing that it had never before been put to the test. As for the other instruments of terror or torture, what use was made of them will not be known till every secret thing shall be brought to light. In the meantime, let us hope that they were only resorted to when ‘necessary’;—that is, when the sixty or seventy hours of weekly labour could not be obtained without them.

Now, on the 1st of August 1834, upwards of 300,000 slaves exchanged the coercion at will for the coercion according to law;—the overseer’s mercy for the special magistrate’s justice. Ever since, the number of punishments inflicted during each month has been steadily decreasing. By reference to a return annexed to the Jamaica Correspondence,* it will be seen, that within the ten months ending in May 1836, punishments of all kinds had been reduced by about one-fourth; corporal punishments by not less than two-thirds. In taking, therefore, the general average on the whole of that period, we do the Apprenticeship less than justice; because we do not get any measure of its improving tendency. But let this pass. The monthly average of floggings inflicted during these ten months was not more than 3645; of punishments generally (including the lightest with the heaviest), not more than 3,302:—a dreadful amount indeed when compared with happier communities;—a degree of severity which, to those who have passionately pitied the negro till they have learned to regard him as an object of no feeling but pity,—who have hated his wrongs till they

* Parliamentary Paper, III. p. 408.

have forgotten what his wrongs have made him,—may well seem intolerable—may well make 630,000 British ladies cry ‘shame,’ ‘shame,’ and demand the repeal of the law which sanctioned it. We also can sympathize with the emotion, though we may not yield to it. In our zeal against slavery, we have urged its brutalizing effect upon the character of the slave. In pleading the cause of the slave, we must not forget that therein we spoke the truth. The slave *is*—that which we have made him. In every community of slaves there must be a larger proportion than elsewhere, of such characters as, in this country, are marked for the tread-mill or the hulks. Let us not, however, mistake the exception for the rule; let us look at the face of the picture; let us learn the meaning of the result by comparing it, not with what England is, but with what Jamaica was.* If during each month many apprentices have been punished, have not a hundred times as many gone unpunished? If many have been flogged, have not a thousand times as many gone unflogged? and have not all been relieved from one fourth of their former labours?

* In British Guiana, a Crown colony, with the advantage of a slave protector, and an enforced return of all punishments inflicted on each estate,—therefore, probably not so bad a case as Jamaica,—we have the following progressive decrease of corporal punishments:—

	Period.	Average floggings per month.
1831	July to December,	1039
1832	Jan. to June,	860
1832--3	July to September,	734
1833--4	Oct. to April,	484
1834--5	Aug. to August,	181
1835	Aug.	88
—	Sept.	79
—	Oct.	77
—	Nov.	55
—	Dec.	21
1836	Jan.	47
—	Feb.	34
—	March	46
—	Aprn	19
—	May	25

Since that time, we believe that flogging has been almost entirely discontinued in this well-governed colony.

In the Bahamas, it has been for some time abolished by law, owing to the excellent exertions of Sir William Colebroke. We are truly glad

Can it be said that before the 1st of August 1834, a single month ever passed in Jamaica, at the end of which 299,636 slaves could say, that not one of them had worked more than 180 hours*—yet not one had felt the lash; and 296,698 of them could add, that they had not suffered any punishment of any kind, not even the terror of it?

But, it will be said, though these severities be all we hear of, who knows what goes on in secret? Who knows how many apprentices are daily robbed of their time, their food, their liberty; assaulted, terrified, overworked; and yet never complain; either because they do not know their rights; or because they dare not claim them? True, indeed; who does know? such things must no doubt have occurred. This law, like others, cannot have been carried perfectly into effect. Where a brutal overseer has met with a feeble magistrate, it is impossible to say how much advantage may have been taken of the ignorance of the negroes. Violence we know is occasionally committed; the twenty-four hours' confinement we know has been occasionally abused; sometimes hospitals have been made prisons under pretence of sanatory regulations. In the absence of clocks and watches, gangs may have been here and there worked beyond the legal hours. Special magistrates have been obstructed in their attempts to detect these offences. Indictments against detected offenders have been thrown out with contumely. But though it must be admitted that great *injustice* may have been extensively committed in these ways, it may be confidently asserted that great *cruelty* cannot.† Cruelties may have been inflicted in indivi-

find that the mild activity and earnest persuasive humanity of this gentleman, have now been transferred to the wider sphere of the Leeward Islands, of which he is Governor-in-Chief.

* Strictly speaking, we should have excepted the *non-prædials*, whose weekly amount of labour has not been reduced. The nature of their occupations made this impracticable; but their period of apprenticeship was shortened in proportion, and they become absolutely free in August, 1838. The distinction, it will be seen, does not affect the argument.

† Mr O'Connell will not agree with us here. He believes, that it is the interest of the planters to 'work the negro out of his existence' before the end of the apprenticeship; that they are accordingly now about it; and that such necessary cruelty must therefore be now going on in Jamaica as may end in the death of the whole apprenticed population by the 1st of Aug. 1840. 'Already,' he says, 'the negro's life is counted by the hour—but before the expiration of the apprenticeship, it will be counted by the minute.' (See the proceedings of the Anti-Slavery meeting in Exeter Hall, on the 23d of November, as reported in the

dual cases, more than we dream of. Many we know have been brought to light by the merest accident. But had any considerable degree of cruelty been extensively or systematically carried on, it is hardly to be believed that complaints *could* have been effectually stifled. It is well known, in every district, that scarce a month passes in which some overseer is not punished on a complaint brought by some apprentice. The special magistrate is, generally speaking, studiously accessible to complaints. Even if the injured party wants the wit or the courage to complain himself, he has friends, missionaries or others, who will be glad to complain for him. Even if the special magistrate's ears should be closed (and among the seventy or eighty gentlemen who have filled that office some must have been harder of hearing than others), the governor's at least are open. And, in spite of some idle speeches which have been tossed about, we believe that both Lord Sligo and Sir Lionel Smith may frankly challenge all Alderman-bury to produce a single instance of a complaint made against a special magistrate and not enquired into; or of a magistrate convicted of misconduct and not either sharply reprimanded or shortly dismissed.

That the abuses practised in houses of correction have not been of an intolerable kind, we unfortunately have not a like assurance. There the local magistracy—the parish vestry—rules supreme. The regulations are at their entire disposal; and under that name lie cart-whips, chains, collars, and solitary cells, to which all prisoners, male and female, apprenticed and free, are alike exposed. The special magistrate's authority is set at nought; the governor himself cannot interfere; and all appeals to the Grand Court of Jamaica justice are voted nuisances. We are glad to find that an officer has been sent out specially to inspect these places. It is quite clear that some law is wanted here, and that the Jamaica constitution must again be violated, unless the Assembly think fit to pass one without delay.

Times.) This is one of those prodigious assertions which no ordinary mind is fit to generate. If Mr O'Connell had considered for a moment, he must have seen that no single case of this kind can by possibility occur. How can an apprentice be worked to death unless he wishes it? Though this was the *biggest* thing of the kind, it was not the only one uttered on that occasion. In fact, all the arguments derived their force from a single figure of speech;—that of representing whatever is not impossible as having been done, and whatever has been done once as having been done generally;—and of assuming, that, wherever any discretion has been permitted to a special magistrate, it has been carefully abused.

In the mean-time it must be remembered that, grievous as such things are, they are not to be taken as a measure of the working of the Apprenticeship; because the great mass of apprentices are, in fact, scarcely affected by them. Every effort has been made to detect abuses of this kind, in which apprentices have been the sufferers; and the number of those which have been brought to light, though very large considered by itself, bears no proportion to the body of the apprenticed population, and can hardly interrupt their ease, or retard their progress. And since these secrets have been revealed, the special magistrates have been instructed to abstain from committing apprentices to any house of correction where such atrocities can occur.*

Here we must for the present take leave of Jamaica: we wait with interest, but without anxiety, for the sequel of the correspondence, which is shortly to appear. Mean-while we leave the interests of the apprentices in hands that may be trusted. Lord Sligo is indeed gone; but his place has been taken by Sir Lionel Smith; as different a man in many respects as could have been found; but one whose character for general zeal in the cause of humanity, for clearness of purpose, and plain vigour of execution, is above suspicion or reproach. We perceive by his last opening speech that he is still on courteous terms with the Assembly. So much the better. He is not a man to persevere in refreshing that parched land with idle compliments, if he shall see that no fruit is to come of it. The Assembly may before this hour have discerned and redeemed the time. If not, the hour has come when they may properly be assisted.

The condition of the Apprentices in the other colonies we cannot now discuss. Our readers will readily spare us an enquiry which, from the incompleteness of our information, could not be conducted within any reasonable limits to any profitable result. In its general aspect, their condition is undoubtedly not less favourable,—for the most part we should say much more favourable,—than in Jamaica. But as the same labourers have not been at work there, it is impossible to say how many individual cases of hardship might not be raked up from the bottom; nor how the general aspect might be changed if all these cases were carefully placed at the top.

Neither can we venture, in the short space which is left us, to penetrate the cloud which still hangs over the period beyond 1840, and which the experience of the last three years has not

* See Lord Glenelg's Despatch, 14th June, 1836.—*Parl. Papers*, III. p. 306.

done much to clear away. Antigua, it is true, keeps up its crops nearly to the same extent as before; though at what increase of cost we are unable to ascertain. But there are very few of the colonies in which the labouring class, when free, will continue so dependent on the proprietors for their subsistence, as they are in Antigua. It is also true, that the apprentices almost every where work freely for hire: but because a labouring man, bound to work for forty-five hours during the week, is willing for two or three shillings to work a few hours more, it cannot safely be concluded that he will continue to live the life of a labouring man, when he finds that he can exchange it for a better. On the other hand, however, if we cannot say how much scarcer or dearer labour may become after 1840, neither can we say how much more may be made of it. It is easy to believe that half the number of hands now employed might be made to produce more sugar than is now raised. Till now, the total want of any free circulation of social interests and energies has rendered every attempt to economize labour both objectless and ineffectual. The amount of waste and refuse is therefore enormous. With the breaking up of the old system this will be changed. The command over industry will be lost, but its limits will be unbound. After 1840, every new invention, by which one pair of hands may be enabled to do the work of two; every new division of employments, by which two pair may be enabled to do the work of three; will have its separate value. In this field hope may range at will, for every thing is yet to be done. It must, however, be admitted that those colonies which have been forcing the cultivation of sugar against natural disadvantages may, in the end, have partly to give it up. How far this is to be deprecated is a question which we cannot stay to consider. For the present we would only refer to the example of the Bahama Islands, which, barren and scattered as they are, appear to be rapidly covering themselves with flourishing townships, and a contented peasantry, as suggesting a hope that, even where the present field of production must be deserted, other sources of social prosperity may discover themselves;—that the reduction of commercial importance may not leave the land naked, but may be silently replaced by new undergrowths of industry, humbler perhaps, but more natural, wholesome, and enduring.

In the mean-time we shall content ourselves with repeating our conviction, that the results of this measure, so far as it has yet proceeded, are matter of just and earnest congratulation; and with expressing a hope that all parties will exert themselves to make the best of it, and not the worst. The planters, to judge by their silence, have hope; let them show it

in liberality and enterprise. Why should they fold their hands together, and eat their own flesh? The *Friends* and the *Ladies* are disappointed. Be it so. It spurs them to labours, which, upon the whole, are good. We do not desire that Aldermanbury should sleep. Humanity, even when it runs wild, is a noble passion; and the best Government will be the better for being troubled. One thing, however, we do desire of them—to be a little nicer as to what they believe, and a little more cautious as to what they infer:—but above all, not to labour to persuade the world that the greatest work which has been done in these times, and at the noblest sacrifice, has been done in vain; that the cause of human nature, which has borne all else, has not borne the test of success; that this, perhaps the noblest example ever set to the nations, is one to be shunned not followed. For be they well assured they will far sooner persuade the world that the first step out of slavery is pernicious to the slave, than that the first step into freedom is beneficial to the planter.

NOTE to the Article on The Education Bill.

SINCE the above Article was written, we have received a copy of a Translation, just published, of M. Cousin's Treatise on 'The State of Education in Holland, as regards Schools for the 'Working Classes,' by Leonard Horner, F.R.S., accompanied with some Preliminary observations by the Translator. The work of M. Cousin, like all his former publications of a similar kind, is replete with valuable information; and Mr Horner's Translation of it is executed with such fidelity and elegance as to produce the most favourable impressions both of his general knowledge and his skill in this department of Literature. But his prefatory observations surprise us, and that in no ordinary degree; for they are mainly directed against Lord Brougham's Measure, which, as altered and amended in the Bill lately introduced into the House of Peers by his Lordship, it is, nevertheless, very plain Mr Horner has not taken the trouble to examine! Incredible as the thing may appear, his whole observations are directed against the previous Bill of 1835, reprinted in June last, with some additions; and he accordingly employs himself in combating Provisions altogether foreign to the Measure in its present shape. Thus we find him pointing out as amongst its radical defects and blemishes, that it appoints the Lord Privy Seal, &c. members of the Education Board; that it makes the three Life Commissioners Lawyers; and, worst of all, that it gives the Board power to establish schools on whatever plan it pleases; whereas, if he had taken the trouble, as in all honesty and fairness he was bound to do, to peruse the Bill, as amended and circulated before his book was published, he would have found, that, in these and other instances, he had been very idly and ineptly engaged in objecting to proposals which existed only in his own fancies! We are truly sorry to see a man of Mr Horner's respectability and liberality of sentiment, from mere precipitancy and carelessness, thus lending a helping hand to those who, either from dislike to the quarter in which the Bill originated, or to all plans for the improvement of the lower orders, have been doing their best to misrepresent and discredit it. He has thus unwittingly leagued himself with persons whose petty hostility and narrow views he must in his heart despise and reprobate. These strange misrepresentations do not, however, in the least interfere with the utility of his Translation, which we cordially recommend to all who are desirous of information on its truly interesting subject.

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INDEX.

A.

Adams, President, opinions and character of, 177.

Africa, our geographical knowledge of, very small, 326; the Ancients had no knowledge of the country south of the Great Desert, 327—329; chief epochs of African discoveries, 329—333; expedition up the Quorra, 335—340; appearance of the Delta of the Quorra, 340; town of Attah, 341; appearance of the country above Attah, 342; cultivated state of the country between Elboe and the mouth of the Shary, 344; ascend the river Shary, 345; town of Fundah, and their reception, 345—347; descend again to the Quorra, *ib.*; the Shary again ascended, 348; return and ascend the Quorra, 348, 349; reach the town of Rabbah, and return, 349—352; expedition again ascends the Quorra, 352, 353; striking discrepancies occurring between Mr Laird's text and the chart of the Quorra, by Commander Allen, R.N., 353; the expedition yields but little exact information regarding the banks of the Quorra, 354; the natives characterized as civil, gentle, and honest, 355; benefits most likely to arise from discoveries in Africa, 355, 356; some points on the western side of Africa where a short exploration might be productive of valuable results, 356, 357; the eastern coast appears a fairer and more interesting field, 357.

Apprenticeship System. See *Negro*.

Astronomy, history of, 123.

Attila, King of the Huns, an epic poem, by Herbert, 261; is the age of epic poetry past? 261, 262; great epics always produced where the genius of a people had been called into action by great events, 262—264; modern poetry, 264—266; a great poet at the present time would find the best opening in the department of the epic, 266; rules which regulate epic poetry, 266—269; the machinery required for an epic poem is that of thought and intelligence, 269—272; critique on *Attila*, with liberal extracts, 273—294.

B.

Ballot must have a trial, 211.

C

Church Revenues and Church Rates, 295; clergy maintained for ages by the voluntary contribution of the laity, 295, 296; sketch of the Church's unscrupulous acquisitions in wealth, from the time of Constantine to that of Pope Innocent III, 296—301; when payment of tithes in England was introduced, 301; the division of tithes by law, tripartite, 301—308; tithes not the only fund appropriated to the reparation of churches, 308—313; the distinction between the chancel

and the nave, or body of the church, first carried into effect in the year 1250, 313, 314; progress of the innovation of the clergy, 314—318; application made to the Court of King's Bench, by the laity, when the Church Courts exceeded their jurisdiction, 318—320; Edward I., by his writ of *circumspecte agatis*, defined the limits of temporal and spiritual jurisdiction, 320, 321; Church rates a *voluntary* contribution on the part of the parish, 321—324; church-scot of the Saxons different from the present Church rates, 324; recapitulation of the conclusions, 323.

Coleridge, S. T., affecting letter of, to Cottle, 32.

Commons, Committee of the House of, on the poor laws in Ireland, 198; three reports by, *ib.*; recommendations contained in them, 199; decide against the applicability of English workhouses to Ireland, *ib.*; recommend that those who desire to emigrate should be furnished with the means of doing so, 199, 200; classes enumerated for whom entire maintenance is to be provided by the State, 201; reasons for recommending voluntary associations, 202, 203; have excluded the able bodied from the scheme of national charity, 204.

Constabulary, Irish, character of, 237.

Couper, character of his letters, compared with Lamb, 4, 5.

Crime, diminution of, in Ireland, 243—452—457.

D.

Dissent, practical evils of, 461.

D'Israeli's Novels, character of, 59; failure in his bold attempts, *ib.*; doubts whether he could produce a really good work of fiction, 80; chose in Vivian Grey the department in which he was most fitted to excel, 61; Henrietta Temple analyzed, 63—68; his *Venetia*, 69—72.

Divine right of Princes, doctrine of, considered, 400—409.

Documents, Valuable, republished by Sir Francis Palgrave, 52. See *Palgrave*.

E.

Education Bill gives the power to municipal corporations to establish schools and levy a local rate for its support, 440, 441; a school committee empowered to meet in each parish, 441; educational or knowledge qualification to be the test for voting, 442; religious instruction, 443, 444; local management, 444; powers and functions of the central board, 444, 449; Note to the article, 523.

Emigration caused by the principle of population, 90; recommended by the Committee of the House of Commons, to enquire into the condition of the poorer classes in Ireland, 198.

Encyclopædia Britannica, the celebrated writers of the Dissertation attached to the book, characterized, 111, 112.

England, its state of crime compared with that of Ireland, 452—457.

Epic poetry, the causes which have led to its rise and fall. See *Attila*.

F.

Federalists, designs of, 176.

Franklin, Dr., formed one of the committee who drew up the Declara-

tion of Independence, 166 ; humorous and characteristic *apologue* by, 169 ; conduct in Congress, 173 ; joint-envoy to France, 174.

Fraser, Bishop, of St Andrews, unjustly treated by the historians of Scotland, 41.

H.

Hales, Rev. W. H., pamphlet on Church Rates, 295. See *Church Revenues*.

Herbert's, Rev. William, Epic poem, entitled *Attila*. See *Attila*.

Highlanders, Origin and History of, 416. See *Skene*.

Horne, Leonard, attacks the Education Bill in his translation of M. Cousin's Education in Holland, 523.

I

Ireland under Lord Mulgrave, 220 ; badly treated by England, 222, 223 ; four-fifths of the constituency disfranchised under George II., 225 ; evils entailed on, 226.

Ireland, State of, necessity of discussion on the, 450 ; Earl of Mulgrave's Speech on, 451, 452 ; amount of crime in, compared with that of England, 452—457 ; Mr Fox's character of the Irish people, 458 ; obstructions Government have had to contend with, 458, 459 ; differences which exist between the relation of landlord and tenant, 459 ; defence of the Government, 460.

J.

Jamaica, abolition of Slavery in, 477—522. See *Negro*.

Jefferson, President, life of, 156—159 ; religious opinions, 160 ; elected to the assembly, 161 ; takes part in the dissensions between America and Great Britain, 162, 163 ; takes his seat in Congress, 166 ; draws up the Declaration of Independence, 166, 167 ; appointed joint-envoy to France, 170 ; obtains the abolition of the law of primogeniture, *ib.* ; and of church establishment, 171 ; attempts to abolish slavery, 172 ; chosen to Congress, 173 ; repairs to Paris, 174 ; excursion to England, 175 ; returns to America, and accepts the office of Secretary of State, 176 ; elected Vice-President, 180 ; brilliant career of his Presidency, 183 ; death, 184 ; his characters of Washington and Madison, 185, 186.

K

Knowledge, or Education qualification considered as a test for the franchise, 442, 443.

L.

Laird and Oldfield's expedition into Africa, 326. See *Africa*.

Lamb, Charles, his extraction, 8 ; lived with his sister, *ib.* ; similarity between his essays and letters, *ib.* ; describes his own character in a letter to Southey, 9—11 ; predilection for the scenes around him, 11 ; quizzing letter of, to Manning, 12, 13 ; unfit for the realities of life, 14 ; attachment to plays, 15, 16 ; affection for his sister, 17 ; and friends, *ib.* ; letter to Wordsworth, explaining the history of his own mind, 18 ; his inventions, puns, 19 ; ironical letter to Coleridge, 20 ; his attachment to London, 21 ; effect produced on his mind by mountain scenery, 22 ; defence of himself, and Hunt and Hazlitt, in a letter to Southey, 24 ; his religious opinions, 25 ; his hatred of business, 27 ; tormented with

too much leisure, 28; given to indulgence in liquor, 29, 30, 31; character of Talfourd's life of, 35.

Landers' expedition up the river Quorra in Africa, 333; death of, 352.
Liberia, colony of, 335, 336.

M.

Madison, President, character of, by Jefferson, 385.
Magistracy, Irish, 232; stipendiary, 234.

Milton, influence which the circumstances of his times had on the spirit of his poetry, 263.

Mulgrave's, Earl of, Speech on the state of Ireland, 450. See *Ireland*.

Mulgrave's, Lord, policy towards Ireland, 231; reform in the magistracy by, 232; dismissal of Col. Verner, 233; popularity of his government, 241; change produced by, 243.

N.

National Education, 439. See *Education*.

Negro Apprenticeship System, 477; main ends intended by the abolition of slavery, 477—484; difficulties that lay in the way to induce the colonies to pass laws adequate for that purpose, 484—491; first days of apprenticeship, its progress, 464—500; returns showing the hogsheads of sugar made in Jamaica, years ending July 1834 and 1835, 495; first reports of Lord Sligo as to the working of the act, 496—498; conclusions deducible from an analysis of the returns for October, 1835, 498, 499; special magistracy have discharged their important duties with zeal, ability, and integrity, 500—502; how have the interests of the planters been affected by the apprenticeship, 502—507; as relates to value of property, 507, 508; value of the crops of 1835, 1836, and 1837, 508—513; table showing the general results of the sugar crop in the different colonies, 514; how has the apprenticeship worked for the negroes? 514—522.

Neville, M., opinions on poor laws, 194; of France, 196.

Non-resistance to established authority, doctrine of, examined, 397—409.

Non-jurors, principles of that sect examined, 409—411.

Nun, a branch of the river Quorra, general appearance of country through which it runs, 337—343.

O.

Oldfield's, R. A. K., expedition into Africa, 326. See *Africa*.

Orangemen, illegal practices of, 251.

P.

Palgrave's, Sir Francis, illustrations of Scottish History, 36; shows the mistake respecting the claim of Edward I. to the superiority of Scotland, 36, 37; holds Scotland to have been a member of the Anglo-Saxon empire, 44; mistake respecting the justice of the claim of the Seven Earls of Scotland, 46—49; curious and valuable documents regarding Baliol and Bruce, 52—56; severe in his stricture on the Scottish Bishops, 57; in error respecting the justice and extent of Edward's claim, 58; facilities afforded to his readers of profiting by the documents he has published, 58.

Parliamentary business, badly performed, 214; enormous amount of private business, 216, 217.

Perceval, Rev. A. P., on the origin of Church Rates, 295. See *Church. Palgrave's, Sir F.*, Merchant and Friar, 465; tales illustrative of history, 465, 466; account of a Parliamentary election, 467, 468; early constitution of the corporation of London, 469—472; view of the ancient Parliament, 472—474; sketch of the remainder of the book, 474—476.

Picts, origin of, and who their descendants are, 420—422; question of Northern and Southern Picts considered, 428—438.

Pinkerton, his Enquiries into the History of Scotland quoted, 424—429, 437, 438; character of, as a critical writer, 439.

Police of the Metropolis, 358; functions of a well-regulated system of police, 358, 359; miserable inefficiency of the former local establishment, 359, 360; organization and cost of the present metropolitan force, with their sphere of action, 360—363; imperfect consolidation of the different London police establishments—necessity of their being consolidated, 363—371; disregard to public convenience, and to economy in several respects, 372, 373; improper admixture of Executive and Judicial duties in the office of magistrate, 373—376; necessity of a more extensive summary jurisdiction to be given to magistrates, 376—381; want of authorized informers, and of peculiar attention to the hindrance of crime, 381—384; the present system of bail requires a complete revisal, 384—387; strong necessity for a public prosecutor, 388; the grand jury an obstruction to public justice, 389—391; want of reflection in those who state that a more rigid police increases crime, 392; real extent of crime in the metropolis, 392—394; urgent necessity for a public functionary, whose exclusive attention should be criminal law, 594, 595.

Political Economy, difference between two schools of, 78. See *Senior*.

Poor Laws for Ireland, 194; Report of the Committee on, 198—200; classes for whom proposed, 201; formation of voluntary associations recommended, 202.

Priestly, Dr, heartily welcomed to America by Jefferson, 181.

Prisons, second Report from the Inspector of, 358. See *Police*.

Prosecutor, Public, much needed in England, 212 and 388.

Pusey's, Rev. E. B., Sermon on the fifth of November, 396; principally on the doctrine of *non-resistance* to established authority and *divine right* of princes, 397; the doctrines of *non-resistance* and *divine right* of princes, fully examined, 397—403; affirms that "judgments," have befallen the land since the Revolution, 403, 409; sect of the Non-jurors, their principles examined, 409—411; character of the sermon, 412; opinions of the party to whom he belongs, 413—415.

Q.

Qurra River, expedition up the. See *Africa*.

R.

Reform Bill, defects of, 208, 209; remedies for, 211, 212.

Religious Instruction, to form part of daily instruction by the Education Bill, 443, 444.

Revolution of the year 1688, attacked by Dr Pusey, and defended by the Reviewer, 397—409.

S.

Science, history of, by Montucla, Abbe, Bossuet, Playfair, and Leslie, characterized, 111, 112.

Scotland, illustrations of its history. See *Palgrave*.

Senior Nassau, W., outline of the science of Political Economy, 73; clear and precise views, 75; arranges the contents under the nature, production, and distribution of wealth, 84; difference between and Mr Malthus respecting population, 85; correspondence with Mr Malthus, 86; proposals for a new nomenclature of Political Economy, 97; objections, 98—102; opinions on the Poor Laws, 207.

Shary River, which flows into the Quorra, from whence does it proceed? 348, 349.

Sismondi, observations of, on Political Economy, 78.

Shene's, William, origin and history of the Highlanders, 416; claims originality, and opposed to general received opinion, 416, 417; examination of his statement that the descent of the Highlanders from the Dalriadic Scots is fundamentally erroneous, 417—420; his originality put to the test, 420; origin of the Picts, and question as to who their descendants are, 420—422; discussion of some of the leading arguments and authorities upon which his system is founded, 422—428; his attempts to draw a distinction between the northern and southern Picts examined, 428—439; character of his work, 438, 439.

Slavery, reports relative to the abolition of, 477. See *Negro*.

Sligo, Lord, despatches from Jamaica regarding the Negro Apprenticeship System, 487, 494—500.

T.

Tests and Toleration, gross injustice of the Test Act lately passed, 461; arguments used, 461—465.

Tithes first introduced in the eighth century, 301. See *Church*.

Torren's, Colonel, Letter to Lord John Russell merits great attention, 206.

Tribute, The, benevolent purpose for which it was undertaken and published, 103; character of contributions to, 104; extracts from, 106, 107.

Truth and Fictions of the Middle Ages, 465. See *Palgrave*.

Tucker, President, life of Jefferson by, 156. See *Jefferson*.

V.

Voluntary Contributions, clergy maintained for ages by the laity on that principle, 295, 296.

W.

Wallace, Sir William, share taken in his capture by Sir John Men-teith, 56.

Washington, character of, by Jefferson, 184, 185.

Wellesley, Marquis of, despatches, minutes, and correspondence of, 151; papers respecting the Mahratta war, 152.

Whewell, Reverend William, History of the inductive sciences, 110; with the exception of Mr Peacock, no English philosopher so well qualified to treat of this subject, 114; views with which he entered

upon this undertaking, 115 ; states that he has borrowed largely from other writers, 116 ; his work divided into three books, 117 ; mistakes by, respecting the Greek philosophers, 118, 119 ; marks of haste and imperfect research, 120 ; gives an admirable epitome of the science of astronomy, 123 ; interesting account of the discoveries of Copernicus, Kepler, Galileo and Newton, 124, 125 ; has not studied with sufficient care the persecution of Galileo, 127, 128 ; history of optics injudiciously curtailed, 129, 130 ; strangely ignorant of the history of Ptolemy, 132 ; incorrect statements respecting Inellius and Descartes, 134 ; signal failures from not consulting the writings of Scotch philosophers, 135 ; imperfect account of the discovery of Achromatism, 137 ; has omitted most important researches, 138 ; injustice to M. M. Arago and Best, 139, 140 ; to M. Fresnel, 143 ; to Scotch philosophers, 147—149 ; want of sympathy in the conditions and fortunes of philosophers, 150 ; character of the work, *ib.*
Workhouse System, the, 187 ; a cure for pauperism, 190.

